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Crl.O.P.No.30833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30833 of 2022

and

Crl.M.P.No.18885 of 2022

R.Satya Prakash

... Petitioner

Vs.

The State By:

Inspector of Police,
AWPS, W-27, Vadapalani,
Chennai - 600 083.
Crime No.14 of 2021

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records in connection with the Spl. S.C.No.64 of 2022 on the file of the learned POCSO Court at Chennai and consider the petitioner's Copy Application in C.A.No.25423 of 2022 on the file of the learned POCSO Court at Chnnai.

For Petitioner : Mr. T.Shanmugaboopathi

For Respondent : Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the entire records in connection with the Spl. S.C.No.64 of 2022 on the file of the learned POCSO Court at Chennai and consider the petitioner's Copy Application in C.A.No.25423 of 2022 on the file of the learned POCSO Court at Chnnai.

2. It is seen from the records that the petitioner filed a copy application on 28.11.2022 in C.A.No.25423 of 2022, but the same has been returned by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai stating that "*On 02.11.2022, on the date of examination of PW1 & PW2, it is ordered on repeated request of victim child and her parents that it is ordered to not to give copy of deposition of PW1 & PW2 to any one at any point of time with liberty to peruse the same. Hence, this copy application is returned with liberty to peruse the evidence of PW1 & PW2 with permission of the Court*"

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).



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4. This Court is not satisfied with the reason stated for the return of copy application, petitioner is entitled for Copy of Deposition of PW 1 & PW2 for preparation of the case.

5. Therefore, the order of return passed in C.A.No.25423 of 2022 dated 29.11.2022 is set aside and the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai is directed to issue the Copy of Deposition of PW 1 & PW2 after following the procedure.

6. With the above direction, this Criminal Original Petition stands disposed of. Consequently connected miscellaneous petition is closed.

14.12.2022

Internet: Yes/No

Index: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN,J.

sma

To

1. learned Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act, Chennai
2. Inspector of Police,
AWPS, W-27, Vadapalani,
Chennai - 600 083.
3. The Public Prosecutor,
High Court of Madras.

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14.12.2022