



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.7295 of 2022
and
Crl.M.P(MD) No.5000 of 2022

Sivakumar

... Petitioner/Petitioner/
Accused No.2

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Ramanathapuram.
(Crime No.21 of 2021)

... Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crl.M.P.No.322 of 2022 in Spl.S.C No.1 of 2022 on the file of the Fast Track Mahila Court, Ramanathapuram, dated 06.04.2022 and set aside the same.

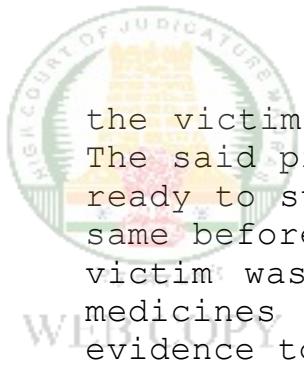
For Petitioner : Mr.D.RameshKumar
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to set aside the order passed in Crl.M.P.No.322 of 2022 in Spl.S.C No.1 of 2022 on the file of the Fast Track Mahila Court, Ramanathapuram, dated 06.04.2022, thereby, dismissing the petition filed under Section 91 Cr.P.C.

2. There are two accused, in which the petitioner is arrayed as second accused. The petitioner has been charged for the offence under Sections 3 and 4 of the POCSO Act and Section 506(i) IPC. After the examination of the prosecution witnesses, the petitioner filed a petition under Section 91 Cr.P.C to call for the prescription of the victim.

3. The learned counsel for the petitioner would submit that while the court was examining the examination of P.W.2, she categorically admitted that



the victim was treated by the Doctor and he prescribed medicines. The said prescription is very much available with P.W.2 and she is ready to submit the same whenever the Court directs to produce the same before this Court. The petitioner had taken a stand that the victim was affected by the Psychiatrist Doctor and as such the medicines prescribed by the Psychiatrist Doctor is very vital evidence to disprove the case of the prosecution.

4. A perusal of the records revealed that though the medicines prescribed by the Doctor is only for sleeping dose and other purposes, the Court below has rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Criminal Original Petition is dismissed. It is made clear if the defence evidence is not completed, the petitioner can very well examine the Doctor who treated P.W.2 in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O.)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Judge,
Fast Track Mahila Court,
Ramanathapuram.
2. The Inspector of Police,
All Women Police Station,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD) No.7295 of 2022

and

Crl.M.P(MD) No.5000 of 2022

20.04.2022