



Crl.O.P.(MD) No.21038 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P (MD) No.21038 of 2022

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...Petitioner

VS

**The Inspector of Police,
All Women Police Station,
Alanganallur,
Madurai District.
Crime No.311 of 2021**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Sessions Judge, Mahila Court, Madurai to expedite the trial in Spl.S.C.No.194 of 2021 within a time frame fixed by this Court.

For Petitioner : Mr.A.Vadivel

For Respondent : Mr.B.Nambiselvan

Additional Public Prosecutor

ORDER

This Criminal Original Petition had been filed to direct the learned Sessions Judge, Mahila Court, Madurai to expedite the trial in Spl.S.C.No. 194 of 2021 within a time frame fixed by this Court.



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2.The learned Counsel for the Petitioner invited the attention of this Court to Section 35 of the POCSO Act, which reads as under:-

“Section 35:- Period for recording of evidence of child and disposal of case:

(1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.”

3.The learned Additional Public Prosecutor for the Respondent would submit that the investigation had been completed and the charge sheet had also been laid before the Court concerned. The accused is still in prison.

4.On consideration of the submission of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor that the accused in this case is still in prison, the learned Sessions Judge, Mahila Court, Madurai is directed to dispose of the case in Spl.S.C.No.194 of 2021 on



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priority basis as per the year wise pendency of POCSO cases and stick on to the provisions of Section 35 of the POCSO Act within a period of three months from the date of receipt of a copy of this order.

5.The learned Sessions Judge, Mahila Court, Madurai is also directed to issue sessions proceeding regarding examination of the witnesses and stick on to the time table as per his the proceedings. The Respondent is directed to produce the witnesses promptly as per the trial proceedings. When there are 25 witnesses, the examination of the witnesses can be completed within 4 or 5 days continuously on day-to-day basis.

6.The learned Sessions Judge, Mahila Court, Madurai is also directed to follow the reported ruling of the Hon'ble Supreme Court in the case of ***Vinod Kumar Vs. State of Punjab*** reported in ***CDJ 2015 SC 115*** regarding cross-examination of the witnesses. When the witnesses are available before the Court and they depose on behalf of the prosecution as witnesses, the learned Counsel appearing for the accused has to cross-examine the witnesses then and there and the petitions under Section 311 Cr.P.C. shall not be entertained leniently.



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SATHI KUMAR SUKUMARA KURUP, J.

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7.With the above directions, this Criminal Original Petition is disposed of.

Internet:Yes/No

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Index:Yes/No

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To

- 1.The Inspector of Police,
All Women Police Station,
Alanganallur,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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