



CrI.O.P.No.6838 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.6838 of 2023

R.Manokaran

...Petitioner

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Jayankondam.
(Crime No.20 of 2022)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 10.02.2023 passed by the Sessions Judge, Fast Track Mahila Court, Ariyalur in CrI.M.P.No.4769 of 2022 in Spl.S.C.No.49 of 2022 and consequently to allow the petitioner herein to re-open the evidence and recall the PW-1 for the purpose of cross examination.

For Petitioner : Mr.S.R.Karthikeyan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)



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ORDER

WEB COPY This Criminal Original Petition is filed to set aside the order dated 10.02.2023, passed by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur, in CrI.M.P.No.4769 of 2022 in Spl.S.C.No.49 of 2022 and consequently to allow the petitioner herein to re-open the evidence and recall PW-1 for the purpose of cross examination.

2. It is the submission of the learned counsel for the petitioner that PW1 victim girl had not given any incriminating evidence against the petitioner. However, she stated in Section 164 Cr.P.C. statement about the sexual assault alleged to have been committed by the petitioner. Due to this contradiction, petitioner filed petition to recall PW1 in CrI.M.P.No.4769 of 2022 and the petition was dismissed. Therefore this petition.

3.The learned Government Advocate (CrI.Side) submitted that PW1 victim girl was extensively cross examined and there is a bar under Section 33(5) of POCSO Act, for repeatedly calling the victim girl for the purpose of recording evidence.



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4.Considered the rival submissions and perused the records.

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5.Reading of the order of the learned Sessions Judge, Fast Track Mahila Court shows that, PW1 was extensively cross examined by the petitioner. As rightly pointed out by the learned Sessions Judge, Fast Track Mahila Court that Section 33 (5) of POCSO Act, prohibits the repeated calling of a child witness to testify in the Court. When PW1 was extensively cross examined, this Court finds that the prayer to recall PW1 cannot be entertained. The Sessions Judge, Fast Track Mahila Court has rightly dismissed the petition and this Court finds no reason to interfere with the order of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur.

6. Accordingly, this Criminal Original Petition is dismissed.

19.06.2023

Internet :Yes

Index :Yes/No

Speaking Order/Non-Speaking Order

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G.CHANDRASEKHARAN, J.
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To:

- 1.The Inspector of Police,
All Women Police Station,
Jayankondam.
- 2.The Public Prosecutor,
High Court of Madras.

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