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Crl.O.P.No.13612 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.13612 of 2023

and

Crl.M.P.No.8314 of 2023

1. Manikandan

2. Lakshmi

3. Tamilselvan

... Petitioners

Vs.

Inspector of Police,
All Women Police Station,
Jayankondam
Crime No.27 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 15.06.2022 made in Crl.M.P.No.1545 of 2022 in Spl.S.C.No.54 of 2021 on the file of the Fast Track Mahila Court, Ariyalur.

For Petitioner : Mr.P.Parthikannan

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed to set aside the order dated 15.06.2022 made in Crl.M.P.No.1545 of 2022 in Spl.S.C.No.54 of 2021 on the file of the Fast Track Mahila Court, Ariyalur.

2. The learned counsel for the petitioner submitted that, victim girl turned hostile, hence the prosecution conducted the cross-examination. He further submitted that, petitioner also cross-examined the PW1, however, no specific suggestions were made with reference to the statement given by the victim girl. Therefore, petitioner filed recall petition in Crl.M.P.No.1545 of 2022, however, the recall petition was dismissed. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, PW1 was already cross-examined by the petitioner. There is a bar **under Section 33(5) of Protection of Children from Sexual Offences Act** to repeatedly call the victim girl to testify in the Court.



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4. Considered the rival submissions and perused the records. As submitted by the learned counsel for the petitioner, evidence of PW1 shows that, she was treated as hostile witness and she was extensively cross-examined by the prosecution and the defence. Cross Examination is sufficiently done. There is a bar **under Section 33(5) of Protection of Children from Sexual Offences Act** that the victim girl shall not be called repeatedly to testify in the Court.

Section 33(5) of Protection of Children from Sexual Offences Act, 2012 :

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

5. Therefore, this Court finds no merits in the petition seeking to set aside the order the learned Fast Track Mahila Court, Ariyalur in Crl,M.P.No.1545 of 2023. Accordingly, the order passed by the learned Fast Track Mahila Court, Ariyalur in Crl,M.P.No.1545 of 2023 is confirmed.

6. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.



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20.06.2023

Internet: Yes
Index: Yes/No
Sma

To:

1. Fast Track Mahila Judge,
Ariyalur
2. Inspector of Police,
All Women Police Station,
Jayankondam
3. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN, J.
sma

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