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Criminal Original Petition No.15957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15957 of 2023

and

Crl.M.P.Nos.9988 and 9990 of 2023

Saravanan

S/o.Sivaprakasam

...Petitioner

Vs

State represented by

1.The Inspector of Police,
All Women Police Station Gingee,
Villupuram District.

2.Santhiya

D/o.Kalaiyazhagan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to Spl.S.C.No.65 of 2019, on the file of the Special Court for Exclusive Trial of POCSO Act Cases at Villupuram and quash the same.

For Petitioner : Mr.P.K.Ilavarasan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER



This petition has been filed challenging the proceedings initiated by the second respondent against the petitioner under Sections 12 and 18 of the Protection of Child from Sexual Offences Act, 2012.

2. The grounds raised by learned counsel for petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in Spl.S.C.No.65 of 2019 within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

The trial shall be conducted on a day-to-day basis in accordance with



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the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***State of Uttar Pradesh v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.

19.07.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

- 1.The Special Court for Exclusive Trial of POCSO Act Cases,
Villupuram.
- 2.The Inspector of Police,
All Women Police Station Gingee,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J



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