



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.15118 of 2023

Saravanan

Petitioner

vs.

The State represented by
The Inspector of Police,
Sooramangalam Police Station,
Crime No.4 of 2017.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set-aside the order dated 19.06.2023 made in C.M.P. No.384 of 2022 in Spl.S.C.No.59 of 2019 passed by the Sessions Judge, Principal POCSO Court, Salem.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed under section 311 of Cr.PC to reopen and to recall PW10, PW11 and PW13 for further cross examination.

2. Heard Mr.K.Sathish Kumar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

3. The petitioner is facing trial before the Court below for offence under Section 363 and 366 of IPC and Section 4 of the POCSO Act. PW10, PW11 and PW13 have already been cross-examined by the petitioner. The case was at the stage of final arguments and at that stage, the application was filed under Section 311 of Cr.PC. The Court below after considering the claim made by the petitioner, proceeded to reject the application. Aggrieved by the same, the present Criminal Original petition has been filed before this Court.



4. On carefully going through the order passed by the Court below, it is seen that PW10, PW11 & PW12 have already been cross examined elaborately and in detail by the defense counsel. In view of the same, the Court below came to a conclusion that the application itself has been filed only to drag on the proceedings. That apart, the case was at the stage of final hearing. This Court does not find any illegality or infirmity in the order passed by the Court below warranting any interference by this Court.

5. In view of the above discussion, this Criminal original petition is dismissed. There shall be a direction to the Court below to complete the proceedings in Spl.SC No.59 of 2019 within a period of two weeks from the date of receipt of a copy of this order.

07.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rka



To

1. The Inspector of Police,
Sooramangalam Police Station,
Salem District.

2. The Public Prosecutor,
High Court of Madras,
Madras.



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5



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Crl.OP No.15118 of 2023

07.07.2023