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CRL.O.P.No.14991 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

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

CRL.O.P.No.14991 of 2023

and

CrI.M.P.No. 9315 of 2023

Ananthi Ammal

... Petitioner

Vs.

The State Rep by,
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.
Crime No.93 of 2014

... Respondent

Prayer :- Criminal Original Petition filed under Section 439 of Cr.P.C., read with Section 439(2) of Cr.P.C read with Section 482 of Cr.P.C., praying to set aside the impugned order of cancelling the bail order passed in CrI.M.P.No.206 of 2023 in S.C.No.20 of 2016 on the file of the Sessions Judge, Special Court for Exclusive Trial of POCSO Act, Chennai.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

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This petition has been filed to set aside the impugned order of cancelling the bail order passed in CrI.M.P.No.206 of 2023 in S.C.No.20 of 2016 on the file of the Sessions Judge, Special Court for Exclusive Trial of POCSO Act, Chennai.

2. It is the grievance of the petitioner that, petitioner was not given sufficient opportunity for examining the defence witnesses. So far, petitioner examined ten defence witnesses. Still, she has a list of ten defence witnesses, who have to be necessarily examined to prove the case of the petitioner. That opportunity was not given to the petitioner. Then, on the petition filed by the learned Public Prosecutor seeking cancellation of bail to the petitioner, bail was cancelled vide order dated 03.06.2023 in CrI.M.P.No.206 of 2023 on the file of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai. Challenging the said order, present petition is filed.

3. The learned Additional Public Prosecutor submitted that, trial in this case is completed and the petitioner is unnecessarily dragging the trial



proceedings by examining multiple defence witnesses. The fact that the petitioner had examined ten defence witnesses, shows that, petitioner was given sufficient time to examine the defence witnesses. Therefore, he opposed this petition.

4. Considered the rival submissions and perused the records. Without going into the merits of the impugned order, this Court on 18.07.2023, with a view to give an opportunity to the petitioner for examining the witnesses, directed the learned counsel for the petitioner to produce an affidavit of undertaking as to the number of witnesses she propose to examine as defence witnesses and the time required for completion of evidence and submission of arguments. Accordingly, affidavit of the petitioner is filed. It is seen from the affidavit of the petitioner that, petitioner wants to examine the following witness:

1. Kousalliya (26 years)
No. 7/3, Suyambulingapuram,
Aragur, Putchikadu,
Tuticorin.
2. Arjun (Guardian) (22 years)
No. 51C, Annai Muhambigai Nagar,
Keelkuppan,
Vellore – 631 004.



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3. Priyanga (Guardian) 25 years
13/1, Linga Adukkagam,
Mankali Nagar,
Chennai – 600 106.
4. Geetha (25 years)
No.34, Kaliri Lay Out,
Haippal,
Bangalore – 560 024.
5. Nagaraj (25 years)
2nd Church Street,
Poonthamallee,
Chennai- 600 056.
6. Amaravathi 65 years
No.31, Karunya Nagar,
Keel Nallathur Post,
Vempathurkadu,
Thiruvallur.
7. Devakiyammal (68 years)
No.23, 4th Street,
Thirunagar,
Vadapalani,
Chennai 600 026.
8. Mahalakhmi (70 years)
No.4, Veerakutty Theru,
Old Washermenpet,
Chennai – 600 021.
9. Thirumal (24 years)
No.3/2, Porukkampatti,
Paraniputhur Post,
Natham Taluk,



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10. Sivaraj (26 years)

No. 06. V.M.Balakrishnan Theru,
Ashok Nagar,
Chennai – 600 088.

5. Now, learned counsel for the petitioner requires three months time for completing the examination of witnesses. However, this Court finds that the request for three months for examining the above mentioned ten additional witnesses is too long a period for the reason that, this case is pending from the year 2016. Therefore, this Court grants three weeks time from the date of receipt of the copy of order by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai for completion of examination of these defence witnesses. Thereafter, the learned Judge shall hear the arguments of the learned counsel appearing for the parties and dispose the case within a period of three weeks thereafter.

6. In this view of the matter, order canceling the bail order passed in Crl.M.P.No.206 of 2023 on the file of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai is set aside. Petitioner is directed to appear before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai on 25.08.2023



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and co-operate for the early disposal of the case.

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7. With the above observations and directions, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

18.08.2023

Sma

Internet : Yes/No

Index : Yes/No

Speaking/Non speaking order

To

1. Sessions Judge,
Special Court for exclusive trial of cases under POCSO Act, Chennai
2. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

Sma

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