



Crl.O.P.No.17101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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Radhasubbalakshmi

.. Petitioner

Versus

State rep. by
The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai.
(Crime No.4 of 2020)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass a direction for completion of trial in Spl.S.C.No.122 of 2021 before the Special Court for the Exclusive Trial of POCSO Act, Cases, Chennai, in an expeditious and time bound manner as mandated under Section 35(2) of the Protection of Children from Sexual Offences Act, 2012.

For Petitioner : M/s.Deepika Murali

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the Court below to complete the trial in a time bound manner.



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2. The petitioner is the de-facto complainant. The case of the petitioner is that the accused person who is none other than the father of the victim girl had committed repeated acts of aggravated penetrative sexual assault against the victim girl. Based on the complaint given by the petitioner, the F.I.R was registered in Crime No.4 of 2020. On completion of the investigation, the Final Report was filed before the Special Court and the same was taken cognizance in Spl.S.C.No.122 of 2021.

3. The grievance of the petitioner is that the accused person had filed a discharge petition in the year 2021 and on the basis of the same, the case is adjourned from time to time and according to the learned Counsel for the petitioner, there has been absolutely no progress for the last thirty six hearings before the Court below. Left with no other option, the present petition has been filed before this Court.

4. In the considered view of this Court, the POCSO Act under Section 35(2) makes it very clear that the trial has to be completed in a time bound manner considering the fact that the interest of a child is involved. The



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Court cannot mechanically adjourn the case just because a discharge petition has been filed. It is quite unfortunate that the discharge petition is yet to be decided and the charges have not even been framed till date.

5. In view of the above, there shall be a direction to the Special Court for Exclusive Trial of POCSO Act cases, Chennai to dispose off the Spl.S.C.No.122 of 2021 within a period of two months from the date of receipt of a copy of this order. The Court below shall conduct the trial on day to day basis as directed by the Hon'ble Apex Court in ***Vinod Kumar Vs. State of Punjab***¹. If any attempt is made by the accused person to drag on the trial, it is left open to the Court below to proceed further in line with the guidelines issued by the Hon'ble Apex Court in ***State of Uttar Pradesh Vs. Shambhu Nath Singh***². On completion of the case, the Court below shall file a report before this Court.

6. This Criminal Original Petition is disposed off with the above directions.

1 2015 (1) MLJ (CrI) 288 SC

2 JT 2001 (4) SC 3191



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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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N.ANAND VENKATESH, J.

grs

To

1. The Special Court for the Exclusive Trial
of POCSO Act, Cases, Chennai.
2. The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai.
3. The Public Prosecutor,
High Court of Madras.

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