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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CRL.O.P No.18750 of 2023**

Karunai Maharajan

...Petitioner

Vs.

1.The State Represented by  
The Inspector of Police,  
All Women Police Station,  
Perur,  
Coimbatore District.

2.Minor.Sarmeetha Banu  
Represented by her father and natural  
Guardian Balakrishnan.

...Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and to quash the Final Report in Spl.S.C.No.228 of 2022 on the file of Special Court to deal with Protection of Children from Sexual offences act, Coimbatore District.



For Petitioner : Mr.M.Saravanakumar  
For Respondents : Mr.A.Gopinath for R1  
Government Advocate (Crl. Side)

**ORDER**

This petition has been filed challenging the proceedings Spl.S.C.No.228 of 2022 on the file of Special Court to deal with Protection of Children from Sexual offences act, Coimbatore District.

2. The grounds raised by the counsel for the 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. It is brought to the notice of this Court that the Trial has already commenced. In view of the same, there is no question of interfering with the final report at this stage.



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3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in Spl.S.C.No.228 of 2022, within a period of four months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with 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 VS. SHAMBHU NATH SINGH (JT 2001 (4)***

***SC 3191***). Consequently, connected miscellaneous petitions are also closed.

**21.08.2023**

Index: Yes/No

Internet: Yes/No

rka/mkn-ii

To

1. The Inspector of Police,  
All Women Police Station,  
Perur,  
Coimbatore District.

2. The Special Court to deal with Protection  
of Children from Sexual offences act, Coimbatore District.

3. The Public Prosecutor,  
High Court, Madras



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**N.ANAND VENKATESH.J.,**

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