



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16623 of 2023

S.Varatharaj

Petitioner

vs.

State Rep. by
The Inspector of Police,
Ramanathapuram Police Station,
Crime No.1509 of 2020

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order as for the concern of PW.1(victim girl child) dated 13.03.2023 passed by the learned Principal Special Court for Exclusive trial of cases under POCSO Act, Coimbatore in Crl.M.P.No.216 of 2023 in Spl.C.C.No.95 of 2023.

For Petitioner : Mr.C.S.S.Pillai

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



WEB COPY

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 311 of Cr.P.C. Insofar as recalling PW1 (Victim Girl) for further cross-examination.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The petitioner is facing trial before the Court below for offence under Sections 376AB, 506(2) of IPC and Sections 5(h), 5(l), 5(m), 5(n), 6, 7, 8, 11(1), 12 of POCSO Act. The petitioner filed an application under Section 311 of Cr.P.C., to recall PW1 to PW10 for further cross-examination/cross-examination. The Court below on considering the facts and circumstance of the case, partly allowed the application with respect to recall of PW2 to PW10 for cross-examination and dismissed the application insofar as PW1 (victim girl) is concerned. Aggrieved by the same, the present petition has been filed before this Court.

4. In the considered view of this Court, the Court below has dealt



with the application in a detailed manner and has given sufficient reasons as to why the application cannot be entertained insofar as PW1 is concerned. This Court does not find any illegality or infirmity in the order passed by the Court below and it does not warrant the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

5. In view of the above, there are no merits in this criminal original petition and accordingly, the same is dismissed.

27.07.2023

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

To

1. The Principal Special Court for Exclusive trial of cases under POCSO Act, Coimbatore.
2. The Inspector of Police,
Ramanathapuram Police Station.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



4

N. ANAND VENKATESH, J.

SSR

Crl.O.P No.16623 of 2023

27.07.2023