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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.22699 of 2023
and CrI.M.P.No.15860 of 2023

Vincent Sundarraaj

... Petitioner

Vs.

The State Rep. by
SHO, Tanipadi P.S.,
Thiruvannamalai District.
(Crime No.800 of 2018)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in CrI.M.P.No.1802 of 2023 in Spl.S.C.No.172 of 2019 dated 08.09.2023, on the file of the Special Judge, POCSO Court, Thiurvannamalai by allowing the present Criminal Original Petition.

For Petitioner : Mr.D.Padmanabhan



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For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

This petition to recall witnesses examined was dismissed by the Trial Court on the ground that the offence happens to be under the provisions of POCSO Act, there is a restriction under Section 33 of the Act for recalling the witnesses and further more the petition filed after five months on the completion of recording the witnesses on the side of the prosecution does not appear to be a bonafide request.

2.On perusing the records, this Court finds that the prayer in the criminal original petition could not be entertained in view of the gravity of the offence and the petitioner who had been afforded opportunity to cross-examine the witnesses had not availed it for the reason best known to him and while filing the petition to recall, no reasons stated as to why he was not able to cross-examine the witnesses, except stating that counsel was not well.



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3. Accordingly, this criminal original petition stands dismissed.
Consequently, connected miscellaneous petition is closed.

16.10.2023

Index : Yes/No
Neutral Citation : Yes/No
ssr

To

1. The Special Judge, POCSO Court, Thiurvannamalai.
2. The SHO, Tanipadi P.S.,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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Dr.G.JAYACHANDRAN,J.

SSR

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