



Crl.O.P.No.26717 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26717 of 2023

H.Thoufiq

.. Petitioner

/versus/

State Rep.by
Inspector of Police,
AWPS, Tiruppur South,
Tiruppur.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order dated 27.10.2023 in ECMP.No.1314 of 2023 in Spl.S.C.No.58 of 2022 passed by the Hon'ble Session Judge, Magalir Neethimandram,(Fast Track Mahila Court), Tiruppur.

For Petitioner : Mr.P.Thinesh

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This petition is filed challenging the order of the trial Court dismissing the application filed under Section 311 of Cr.P.C., to recall the prosecution witness PW-1 the minor girl for further cross-examination.

2. It is the case under POCSO Act where the victim girl was examined in chief on 18.07.2022 and cross examined on 20.07.2022. After examination of two prosecution witnesses, the application is filed to recall the victim girl on the ground that she attained majority and thereafter, some more questions put to her. The trial Court dismissed the application under Section 311 of Cr.P.C., on the ground that no valid reason stated in the petition to recall PW-1 and the attainment of majority cannot be a ground to recall PW-1 the victim minor girl. This Court is fully in agreement with the reasoning given by the trial Court dismissing the application filed under Section 311 of Cr.P.C.



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3. Hence, this Criminal Original Petition is dismissed.

05.12.2023

Index:yes/no

Neutral citation:yes/no
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To

1.The Inspector of Police, AWPS, Tiruppur South,
Tiruppur.

2.The Session Judge, Magalir Neethimandram,(Fast Track Mahila
Court), Tiruppur.

3.The Pubic Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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