



Crl.O.P.(MD)No.4932 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4932 of 2023

Karthik @ Karthisan

...Petitioner/Accused

Vs.

The Inspector of Police,
All Women Police Station,
Kovilpatti,
Tuticorin District.
(Crime No.10 of 2018)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the order dated 06.01.2023 in Cr.M.P.No.1475 of 2022 in Spl.S.C.No.53 of 2019 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and set aside the same.

For Petitioner : Mr.Mahendrapathy.S

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the order dated 06.01.2023 in Cr.M.P.No.1475 of 2022 in Spl.S.C.No.53 of 2019 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and set aside the same.

2. Even though the learned counsel for the petitioner would submit that for the purpose of engaging a Senior Advocate, he was not able to cross examine the P.W.1, on the date of chief examination, which was taken on 11.10.2022. The petitioner has filed a petition to recall the P.W. 1 for further cross examination, that was dismissed on 06.01.2023 by relying upon the several decision.

3. Now the grievance of the petitioner is that even though the above said alleged occurrence took place, when the victim was aged about 17+ and now victim is attained majority and is aged about 23 years now. Only because of inability on the part of the petitioner to engage a Senior Advocate, the petitioner was not able to cross examine the witnesses on



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that date, except that there was no willfull lapse or negligence.

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4. Considering the above said situation, one more opportunity is given to the petitioner to cross examine the P.W.1 victim on payment of cost of Rs.5,000/-. On the above said payment of cost, the trial Court may fix the date for cross examine the victim and on that date, the petitioner must cross examine the victim without fail. If any failure is noticed on the part of the petitioner, his further right will be forfeited forever. The cost must be deposited within a week from the date of receipt of copy of this order.

5. With the above said direction, this Criminal Original Petition is disposed of.

16.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Indu



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G.ILANGOVAN,J.

Indu

To

1.The learned Special Court for Exclusive
Trial of Cases under POCSO Act,
Thoothukudi

2.The Inspector of Police,
All Women Police Station,
Kovilpatti.,
Tuticorin District.
(Crime No.10 of 2018)

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.4932 of 2023

Dated: 16.03.2023