



CrI.O.P.(MD)No.5649 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.04.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.5649 of 2023

G.Solairaja

...Petitioner

Vs.

The Inspector of Police,
Thallakulam All Women Police Station,
Madurai District.
(Crime No.19 of 2017)

...Respondent/Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in respect of the order passed on 23.02.2023 in CrI.M.P.No.138 of 2023 in Spl.S.C.No.54 of 2017 on the file of the Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai and set aside the same in so far as it relates to rejection of recall of PW.15.

For Petitioner	: Mr.R. Selvaraj
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 in respect of the order passed on 23.02.2023 in CrI.M.P.No.138 of 2023 in Spl.S.C.No.54 of 2017 on the file of the Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai and set aside the same in so far as it relates to rejection of recall of PW.15.

2. The petitioner has filed CrI.M.P.No.138 of 2023 before the Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai to recall PW.15 for further cross examination and the was dismissed by the trial Court on the ground that already cross examination was over in the year 2017 itself.

3. Now, the grievance of the petitioner is that with regard to the observation Mahazar and Rough sketch questions omitted to be put to the Investigating Officer, so far the sole reason he wants to cross examine the other side witnesses.



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4. Considering the limited grievance expressed by the petitioner, in order to give an opportunity to him to put forth his questions to the Investigating Officer with reference to the above said documents, this Court is inclined to allow this petition with a cost of Rs.5,000/- before the Court concerned.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before the Court concerned within a week from the date of receipt of a copy of this order. On such payment, the trial Court may fix the date for cross examine the witnesses of P.W.15. On that date the petitioners' counsel must cross examine the P.W.15 without fail. If any failure is noticed on the part of the petitioner, his further right of cross examination of P.W.15 will be forfeited forever.

20.04.2023

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



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1. The Inspector of Police,
Thallakulam All Women Police Station,
Madurai District.
(Crime No.19 of 2017)

2. The Sessions Judge, Principal Special Court for Exclusive trial of
cases under POCSO Act, Madurai

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



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G.ILANGO VAN,J

trp

Order made in
CrI.O.P.(MD)No.5649 of 2023

Dated : 20.04.2023