



Crl.O.P.(MD)No.7301 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.7301 of 2023

Kadalraj

... Petitioner /Petitioner/Accused

Vs.

The State, represented by
The Inspector of Police,
AWPS, Thoothukudi,
Thoothukudi District,
(Cr.No.14/2015)

... Respondent/ Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order in Crl.M.P. No.1284/2022 in Spl.S.C.No.129 of 2019, dated 06.10.2022 passed by the learned Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi, and to allow the petitioner to cross examination of P.W.1, P.W.2, P.W.4 & P.W.5 in Spl.S.C.No.129 of 2019.

For Petitioner : Mr.S.Vishnuvardhan

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 set aside the order in Crl.M.P. No.1284/2022 in Spl.S.C.No.129 of 2019, dated 06.10.2022 passed by the learned Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi, and to allow the petitioner to cross examine P.W.1, P.W.2, P.W.4 & P.W.5 in Spl.S.C.No.129 of 2019.

2. Perusal of records show that P.W.1 was the victim, who was examined in chief on 03.10.2016. Later, an application was filed to recall the witnesses, that was allowed, cross examined P.W.1 and P.W.2 on 01.12.2016 in extensive manner. P.W.3 turned hostile. P.W.4 is the material witnesses, so also P.W.5. Seeking recall of above said witnesses, without mentioning proper reason, the petition in Crl.M.P. No.1284/2022 in Spl.S.C.No.129 of 2019 was filed before the concerned trial Court. That was dismissed on 06.10.2022, stating that repeated calling of victim is not permissible under law. Since cross examination of victim was already over in 2016, 2018 and 2019 itself, necessity of recalling of witnesses is not properly set out in the petition.



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3. The learned counsel for the petitioner would submit that both the victim girl and the accused person got married to some other persons and they have children also. Subsequent events may be brought on record through defence evidence.

4. Whatever it may be, I find no reason to interfere into the dismissal order that was passed by the trial Court in Crl.M.P. No. 1284/2022 in Spl.S.C.No.129 of 2019, dated 06.10.2022. Accordingly, this Criminal Original Petition is dismissed.

20.04.2023

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

Indu

To

- 1.The Inspector of Police,
AWPS Thoothukudi,
Thoothukudi District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

3/4



Madurai.

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G.ILANGO VAN,J.

Indu

Order made in
CrI.O.P.(MD)No.7301 of 2023

Dated: 20.04.2023