



Crl.O.P.(MD)No.10158 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.06.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.10158 of 2023

S.Parakashraj

... Petitioner/ Sole Accused

Vs.

State, represented by
The Inspector of Police,
AWPS, Tirupparakundraum Police Station,
Madurai District.
(In Crime No.26 of 2023)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for the Exclusive Trial of Pocso Act, Madurai, to consider the petitioner's application for recall the warrant to be field by him in connection with in Spl.S.C. No.32 of 2021, order dated 03.12.202 on the same day on merits by allowing this petition.

For Petitioner : Mr.Sundarapandian S 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 seeking direction to the learned Sessions Judge, Special Court for the Exclusive Trial of Pocso Act, Madurai, to consider the petitioner's application for recall the warrant to be filed by him on the same day of surrender itself.

2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is facing charges under Sections 343, 376(3), 366 of IPC and Section 6, 5(i) of POCSO Act. Because of non appearance of the petitioner, the warrant was issued to the petitioner on 03.12.2021.

3. The learned counsel for the petitioner would submit that no summon was issued to him, even though he was on bail and so he could not appear before the trial Court.

4. If it is so, the petitioner is directed to appear before the trial Court and get the warrant recalled by setting out the facts and circumstances. This Court cannot direct the learned Sessions Judge,



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Special Court for the Exclusive Trial of Pocso Act, Madurai, for exercising his power in a particular manner. It may not be proper to this Court for issuing such a direction. It is for the trial Court to take into account of the facts and circumstances as set out above.

5. With the above said directions, this Criminal Original Petition stands disposed of.

12.06.2023

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

Indu

To

1.The Inspector of Police,
AWPS, Tirupparakundraum Police Station,
Madurai District.

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



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G.ILANGO VAN,J.

Indu

Order made in
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