



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2023

CORAM:

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD) No.14784 of 2023
and Crl.M.P(MD).No.11689 of 2023

- 1.Perumal
 - 2.Andivel @ Pappoon Andivel
 - 3.Thangavel
 - 4.Pomminaicker
 - 5.Ramasamy
 - 6.Thangapandi
 - 7.Pethakkal
 - 8.Pomminaicker
 - 9.Gopi
 - 10.Pommakkal
 - 11.Saroja
 - 12.Paunthai
- ... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

..Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order dated 27.06.2023 in Crl.M.P.No.152 of 2023



in Spl.S.C.No.95 of 2023 on the file of the learned Special Sessions Judge (POCSO Act 2012), Dindigul, Dindigul District, consequently allow the petitioners to recall the evidence of P.W.1, P.W.3, P.W.4 and P.W.11 in Spl.S.C.No.95 of 2023 on the file of the learned Special Sessions Judge (POCSO Act, 2012), Dindigul, Dindigul District.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking for setting aside the order dated 27.06.2023 passed in CrI.M.P.No.152 of 2023 in Spl.S.C.No.95 of 2023, by the learned Special Sessions Judge (POCSO Act 2012), Dindigul, and for a consequential direction to allow the petitioners to recall the witnesses of P.W.1, P.W.3, P.W.4 and P.W.11 in Spl.S.C.No.95 of 2023 on the file of the learned Special Sessions Judge (POCSO Act, 2012), Dindigul.

2. The petitioners are the accused Nos.1 to 12 in Spl.S.C.No.95 of 2023 on the file of the learned Special Sessions Judge (POCSO Act, 2012), Dindigul.



3. The petitioners have filed a petition in Crl.M.P.No.152 of 2023 under Section 311 Cr.P.C to cross-examine the witnesses, namely, P.W.1, P.W.3, P.W.4 and P.W.11. According to the petitioners, during the cross-examination of P.W.1, P.W.3 and P.W.4, some of the materials are left out. So far as P.W.11 is concerned, they did not cross-examine the witness. Considering the gravity of the charges, the petitioners have filed the present petition to recall the witnesses.

4. The same was opposed by the learned Additional Public Prosecutor appearing for the official respondent stating that the witnesses have already been examined. In respect of P.W.11, even though sufficient opportunity has been provided, the petitioners did not cross-examine P.W.11. The learned trial Judge, after considering the submissions, dismissed the petition so far the witnesses of P.W.1, P.W.3 and P.W.4 are concerned and allowed the petition in respect of P.W.11. Challenging the said order dismissing the petition filed by the petitioners in respect of recalling the witnesses of P.W.1, P.W.3 and P.W.4, the petitioners have filed the present petition. It is further submitted that the matter is posted for arguments on 18.08.2023.



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5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the official respondent.

6. The witnesses of P.W.1, P.W.3 and P.W.4 were examined on 30.09.2022, 10.11.2022 and 22.12.2022 and P.W.1, P.W.3 and P.W.4 were subjected to lengthy cross-examination by the petitioners, however, P.W.11 was not examined by the accused. Therefore, the trial Court has rightly dismissed the petition in respect of P.W.1, P.W.3 and P.W.4 and allowed the petition in respect of P.W.11 and there is no necessity to recall the witnesses of P.W.1, P.W.3 and P.W.4. This Court does not find any merit in this petition.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Index : Yes/No
Internet : Yes/No
ssb

14.08.2023



CrI.O.P.(MD)No.14784 of 2023

To

1.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

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



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K.K.RAMAKRISHNAN,J

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