



Crl.O.P.(MD) No.16138 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.16138 of 2023
and Crl.M.P.(MD).No.12842 of 2023

Mari @ Mariselvi @ Kulanthai

...Petitioner / Respondent / Accused

Vs.

The State Represented by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.470 of 2014)

...Respondent / Petitioner / Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the order passed by the Special Court for POCSO Act Cases, Tirunelveli, in Crl. M.P. No.838 of 2023 in Spl. C.C. No.37 of 2019 dated 07.07.2023 and set aside the same.

For Petitioner :Mr.V.Angusamy

For Respondent :Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



Crl.O.P.(MD) No.16138 of 2023

WEB COPY

ORDER

This criminal original petition has been filed to set aside the order passed by the Special Court for POCSO Act Cases, Tirunelveli in Crl. M.P. No.838 of 2023 in Spl. C.C. No.37 of 2019 dated 07.07.2023.

2.The learned Government Advocate (Crl. Side) would submit that application was filed by the State to summon the Municipal Corporation Officials for the purpose of producing the Birth Certificate of the victim. That came to be allowed by the trial Court by the order dated 07.07.2023.

3.Expressing the grievance over the above said order, this petition has been filed on the ground that sufficient opportunity was given to the prosecution to establish the date of birth of the victim. That was not properly utilized by them. After closure of the evidence, that too, before pronouncing Judgment the said application was filed.

4.The State can very well obtain Certified copy of the Birth Certificate of the victim from the concerned authority and produce before the concerned Court.



Crl.O.P.(MD) No.16138 of 2023

WEB COPY

In stead of that to summon the Municipal Officials for producing the document and giving evidence, the above said application has been filed. Even though the above said application is maintainable, there shall be a direction to the prosecution to obtain the certified copy of the Birth Certificate of the victim and mark the same through a competent person. With the above said modification, I found no reason to set aside the above said entire order.

5.With the above said modification, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

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

04.10.2023

TM

To

- 1.The District and Sessions Judge, Special Court for POCSO Act Cases,
Tirunelveli.
- 2.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

3/4



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Crl.O.P.(MD) No.16138 of 2023

G.ILANGOVA. J.

TM

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

Crl.O.P.(MD)No.16138 of 2023

04.10.2023