



Crl.O.P.(MD) No.19187 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.19187 of 2023

and

Crl.M.P(MD)No.15138 of 2023

Perumal

... Petitioner

Vs.

The Inspector of Police,
Sedapatti Police Station,
Crime No.38 of 2018.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crl.M.P.No.1661 of 2023 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, dated 05.09.2023 and set-aside the same.

For Petitioner :Mr.J.Gunaseelan Muthiah

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



Crl.O.P.(MD) No.19187 of 2023

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ORDER

This petition has been filed to call for the records in Crl.M.P.No.1661 of 2023 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, dated 05.09.2023 and set-aside the same.

2. The petitioner is facing charges under Sections 294(b), 342, 506(i) of IPC and Sections 11(1) and 12 of Protection of Child from Sexual Offences Act, 2012, before the trial Court. During the pendency of the trial process in Crl.M.P.No.1661 of 2023, the petitioner has moved a petition to recall P.W.1 and P.W.3 for further cross examination and to recall of P.W.2 for cross examination. That petition was dismissed by the trial Court, in so far as P.W.1 and P.W.3 are concerned and allowed in so far P.W.2 is concerned, by order dated 05.09.2023.

3. Learned counsel for the petitioner submitted that after commencement of the trial process, the victim was married to some other person and living. Because of the marriage, they want to recall P.W.3 who is the father of the victim girl.



Crl.O.P.(MD) No.19187 of 2023

WEB COPY

4. The petitioner can mark the documents if any, during the course of defense side evidence. The petition filed by the petitioner for recall of witnesses, in so far as P.W.2 is concerned, was allowed by the trial Court by imposing some cost on the petitioner. So far as P.W.1 and P.W.3, it has been dismissed as not necessary. Eventhough some compromise has been made by the petitioner, after commencement of the trial, cannot be a reason for the recall of witnesses who were already cross examined. I find no reason to entertain this petition.

5. With these observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition stands closed.

30.10.2023

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

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Crl.O.P.(MD) No.19187 of 2023

G.ILANGOVAN. J.

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To

- 1.The Inspector of Police, Sedapatti Police Station, Crime No.38 of 2018.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.19187 of 2023
and
Crl.M.P(MD)No.15138 of 2023

30.10.2023