



CrI.O.P.(MD) No.22808 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD) No.22808 of 2022

and

CrI.M.P.(MD) No.16138 of 2022

Rajavel,

: Petitioner

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District
(Crime No. 19 of 2021).

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records and duly set aside the order in Cr.M.P.No. 3058 of 2022, in Spl.C.C.No. 10 of 2022, dated 14.10.2022, on the file of the Special Court for POCSO Act Cases, Tirunelveli and decide it on merits in manner known to law.



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For Petitioner : Mr.V.Kathirvelu
Senior Counsel
For Mr.K.Prabhu
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to set aside the order in Cr.M.P.No. 3058 of 2022, in Spl.C.C.No. 10 of 2022, dated 14.10.2022, on the file of the Special Court for POCSO Act Cases, Tirunelveli.

2.It is evident from the records that the petitioner/accused has filed an application under Section 311 Cr.P.C., to recall the witnesses P.W.1 and P.W.2 for the purpose of cross-examination and the learned Sessions Judge, after enquiry, has passed the impugned order, directing the petitioner to pay a sum of Rs.10,000/- on or before 25.12.2022 with other conditions and also directed to disburse the cost of Rs.10,000/- to the victim girl as compensation at the end of the trial.

3.The learned Senior Counsel appearing for the petitioner would submit that the petitioner was in custody from 13.11.2021 to 06.10.2022. He would



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further submit that the witnesses P.W.1 and P.W.2 were examined on 17.06.2022 and 23.08.2022 respectively; that the Counsel engaged by the petitioner/accused has not chosen to appear before the concerned Court for all the hearings and that the petitioner, after releasing on bail, has engaged another Counsel and filed the application under Section 311 Cr.P.C.

4.It is not in dispute that the above petition came to be filed on 17.09.2022. Considering the above facts and circumstances, this Court is inclined to reduce the cost to Rs.5,000/- and the petitioner is directed to pay Rs.5,000/- on or before 19.01.2023. The other conditions shall remain unaltered

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

05.01.2023

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



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To

1. The Inspector of Police,
All Women Police Station,
Valliyoore,
Tirunelveli District

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



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K.MURALI SHANKAR, J.

lr

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