



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 06.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CRL.O.P No.2058 of 2024**

Mariappan

...Petitioner

Vs.

State Rep. by  
Inspector of Police,  
Thoppur Police Station,  
Dharmapuri District.  
(Crime No.290 of 2016)

...Respondent

**PRAYER** : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the dismissal order passed in Cr.M.P.No.58 of 2023 in Spl.SC.No.7 of 2023 dated 22.11.2023 on the file of the Special Court for POCSO Act, Dharmapuri.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

**ORDER**

This criminal original petition has been filed challenging the order passed by the Court below in Cr.M.P.No.58 of 2023 in Spl.S.C.No.7 of 2023 dated



22.11.2023, dismissing the application filed by the petitioner under Section 311 of Cr.P.C., to recall PW1 for cross-examination.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. It is seen from records that the petitioner had already filed an application in CMP No.321 of 2019 to recall PW1 to PW11 and PW20. This application was dismissed insofar as PW1. The same was confirmed by this Court while passing an order in CrI.O.P.No.23780 of 2019 by an order dated 23.09.2019. While so, the petitioner has filed yet another application to recall PW1 for cross-examination, only on the ground that the victim girl has now completed 18 years of age.

4. In the considered view of this Court, the filing of this application is clearly an abuse of process of law and the Court below was perfectly right in dismissing the application by an order dated 22.11.2023. This application has been filed only to drag on the proceedings and there are absolutely no merits in this criminal original petition.



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5. Accordingly, this criminal original petition stands dismissed.

**06.02.2024**

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

ssr

To

1. The Special Court for POCSO Act, Dharmapuri.
2. The Inspector of Police,  
Thoppur Police Station,  
Dharmapuri District.
3. The Public Prosecutor,  
High Court, Madras.



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**N.ANAND VENKATESH, J**

SSR

**CRL.O.P No.2058 of 2024**

**06.02.2024**