



Criminal Original Petition No.2040 of 2024

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

**DATED : 06.02.2024**

**CORAM**

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

**Criminal Original Petition No.2040 of 2024**

Silambazhagan

...Petitioner

Vs

State rep. By  
Inspector of Police  
Kalasapakkam Police Station  
Tiruvannamalai.

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the learned Special Court for the Exclusive Trial of Cases under POCSO Act, Tiruvannamalai to speedy trial in Spl.S.C.No.119 of 2023 within the time stipulated as prescribed by this Court and pass such orders.

For Petitioner : Mr.J.Ganesh

For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor

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### **ORDER**

This Criminal Original Petition has been filed for a direction to the Special Court for the Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, to dispose of the case pending in Spl SC No.119 of 2023 within the time frame fixed by this Court.

2. The final report was filed against two accused persons for offence under Sections 366, 354D, 511, 341, 363, 366(A), 376(a), Section 7, 8, 4, 18, 11(4), 12 of POCSO Act. The final report has been taken on file in Spl SC No.119 of 2023 and it is brought to the notice of this Court that the case is posted for serving the copies on 07.02.2024. It is also brought to the notice of this Court that the prosecution is intending to examine nearly 25 witnesses.

3. On going through the allegations made in the final report, it is seen that the allegations are quite serious. However, it is brought to the notice of this Court that both the accused persons have been enlarged on



bail. The learned counsel for the petitioner on instructions submitted that the accused persons are causing threat to the victim girl and her family.

4. In the considered view of this Court, the allegations as contained in the final report and the statement that was recorded from the victim girl under Section 164 of Cr.PC, *prima facie* makes it clear that she was subjected to threat and was sexually assaulted. If under these circumstances, the accused persons are going to cause threat to the victim girl and her family, the Court below has to necessarily enquire the same and if it is proved to be true, steps must be taken to cancel the bail that was granted in favour of the accused persons. It goes without saying that such an extreme step will be taken only after affording an opportunity to them. The Court below shall also ensure that the trial is conducted on a day today basis and it is completed within the time frame fixed by this Court.133684

5. In the result, this Criminal Original Petition is disposed of with a direction to the Special Court for the Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, to complete the proceedings in Spl SC No.119 of 2023, within a period of four months from the date of receipt of a



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copy of this order.

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**06.02.2024**

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1. The Special Court for the Exclusive Trial of Cases under POCSO Act,  
Tiruvannamalai,

2. State rep. By  
Inspector of Police  
Kalasapakkam Police Station  
Tiruvannamalai.

3. The Public Prosecutor,  
High Court, Madras.

**N.ANAND VENKATESH, J**



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**06.02.2024**