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Crl.O.P.No.3818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl. O.P.No.3818 of 2024

and

Crl. M.P. No.3027 of 2024

1. Hidayathulla Khan S/o. Lal Khan
2. Haffezulla Khan S/o. Lal Khan
3. Kalimulla Khan S/o. Lal Khan
4. Mumtaj Begum W/o. Lal Khan

.. Petitioners

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Vellore District.

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order passed in Memo in Spl S.C. No.113 of 2021 dated 26.12.2023 on the file of the learned Special Judge for Exclusive trial of cases under POCSO Act, 2012, Vellore District.

For Petitioner : Mr. S. Suresh
For Respondent : Mr. A. Damodaran,



Crl.O.P.No.3818 of 2024

Additional Public Prosecutor.

ORDER

This Criminal Original petition has been filed challenging the rejection of the memo filed in Spl. S.C. No.113 of 2021 by the Special Court for Exclusive trial of cases under POCSO Act, 2012, Vellore District vide order dated 26.12.2023.

2. Heard Mr. S. Suresh, learned counsel for the petitioner and Mr. A. Damodaran, learned Additional Public Prosecutor appearing for the respondent.

3. The petitioners are facing trial before the Court below for the offences under Sections 5(i), 5(m)(n) read with 17 of POCSO Act. The prosecution examined 19 witnesses and after the completion of examination of prosecution witnesses, questioning was also done under Section 313 of Cr.P.C.. Thereafter, the petitioners preferred an application under Section 91 of Cr.P.C. in Crl. M.P. No.1941 of 2023 seeking for the production of certain documents from FRRO, Bureau of Immigration, Chennai. This application was allowed by the Court below by an order dated 20.10.2023. Based on this order, the Medical Superintendent of CMC Hospital, Vellore



CrI.O.P.No.3818 of 2024

was examined as DW1 and through this witness certain exhibits were also marked. Yet another witness was also examined as DW2. The documents that were sought for were also produced before the Court below by Central Government Standing Counsel who was appearing on behalf of the FRRO, Chennai.

4. The petitioner filed a memo before the Court below for a direction to FRRO, Delhi to send an authorized officer through whom the petitioner wanted to mark the documents. The Court below dismissed the memo by an order dated 26.12.2023 on the ground that the documents are already available and there is no reason to summon the concerned officer from New Delhi to mark these documents. Aggrieved by the same, the present petition has been filed before this Court.

5. In the considered view of this Court, the documents are already available before the Court below. These documents can also be marked by the Court below either through the petitioner or as Court documents. Ultimately, the petitioner is relying upon the contents of the documents and therefore, it is not necessary to summon some officer from New Delhi for



CrI.O.P.No.3818 of 2024

this purpose. The documents speaks for itself.

6. In view of the above, this Court does not find any ground to interfere with the order passed by the Court below.

7. In the light of the above discussions, it is left open to the Court below to mark the documents, which have already been handed over by the Central Government Standing Counsel who appeared on behalf of FRRO, Vellore and to proceed further with the case. The Court below shall complete the proceedings in Spl. S.C. No.113 of 2021 within a period of **3 months.**

8. Accordingly, this Criminal Original petition is disposed of. Connected miscellaneous petition is closed.

22.02.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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Crl.O.P.No.3818 of 2024

N.ANAND VENKATESH, J

mjs

To

1. The Special Judge for Exclusive trial of cases under POCSO Act, 2012, Vellore District.
2. The Public Prosecutor, High Court, Madras.

Crl.O.P.No.3818 of 2024

22.02.2024