



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 5253 of 2022

1 Veeraragavan

...Petitioners

Vs.

1 The Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram,
Cuddalore District,
Crime No. 214 of 2019.

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to quash the CMP No. 1711/2021 and CMP No. 1823/2021, in S.S.C No. 123/2019 dated 01.12.2021 order passed by the Special Sessions Judge(POCSO) at Cuddalore and direct to issue summons to examine the said L.W.4 Pushpa as defence side witness.

For petitioner : Mr.A.Kanaka Velappan

For R1 : Mr.S.Vinoth Kumar



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ORDER

The petitioner herein filed this petition to quash the CMP No. 1711/2021 and CMP No. 1823/2021, in S.S.C No. 123/2019 dated 01.12.2021 order passed by the Special Sessions Judge(POCSO) at Cuddalore and direct to issue summons to examine the said L.W.4 Pushpa as defence side witness.

2. Heard both sides.

3. On perusal of the records, it reveals that during the pendency of the proceedings, the prosecution filed the application CMP No. 1823 of 2021 before the Trial Court to examine L.W.4/Pushpa as prosecution witness. On the other side, the accused filed another application in CMP No. 1711 of 2021 to examine L.W.4/Pushpa as defence witness. On hearing both sides, the trial court found that already prosecution side listed the L.W.4 as witness but omitted to examine. Hence, permitted the prosecution to examine L.W.4 as witness by allowing the application filed by the prosecution and dismissed the application filed by the accused/defence side.

4. On perusal of the records, it shows that the L.W.4 was mentioned as prosecution witness but they omitted to examine her. On such circumstances, the accused has no right to treat the said witness as defence



witness and the same was rightly appreciated by the Trial Court which needs no interference. However, the liberty is granted to the petitioner to cross examine the L.W.4.

5. In the result, this petition is dismissed. No Costs.
Consequentially connected miscellaneous petition(s) closed.

01.02.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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