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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.4461 of 2024

Vinayagam @ Vinayagamoorthy

Petitioner

vs.

The State Rep. by: The Inspector of Police,
W-4, All Women Police Station,
Kilpauk, Chennai 60 010.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the Docket Order dated 9.1.2024 and direct the Juvenile Justice Board Court, Kellys, Chennai to furnish the copy of the deposition of the Viction Girl Miss.Malini in the J.C. No.13 of 2023 to the petitioner.

For Petitioner : Mr.D.Chandra Sekar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the docket order passed by the Juvenile Justice Board Court, Chennai on 09.01.2024, refusing to entertain the copy application filed by the petitioner, wherein. the petitioner had sought for the certified copy of the deposition that was recorded by the Juvenile Justice Board in J.C.No.13 of 2023 from the victim girl.

2 Heard the learned counsel for the petitioner and the learned Additional



Public Prosecutor appearing on behalf of the respondent.

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3.The petitioner is facing trial before the Court below for offence under Section 342, 354(B), 376 AB of IPC and Section 5(i)(m) r/w Section 6 of the POCSO Act in Spl.S.C.No.127 of 2022.

4.The petitioner is said to have committed the offence along with yet another accused person who was a juvenile. In view of the same, the case of the juvenile was tried separately before the Juvenile Justice Board Court, Chennai in J.C.No.13 of 2023. According to the petitioner, the victim girl had given a different version in the other case in J.C.No.13 of 2023 and it is in variance with the version that was given by the victim girl in the present case in Spl.S.C.No.127 of 2022. Therefore, in order to establish this contradiction, the petitioner applied for the certified copy of the deposition of the victim girl in J.C.No.13 of 2023. The copy application was not entertained by the Juvenile Justice Board on the ground that the petitioner is not a party in the proceedings. Aggrieved by the same, the present criminal original petition has been filed before this Court.

5.It is brought to the notice of this Court that the case is now at the stage of final arguments and it is posted on 08.03.2024. The petitioner wants to show some contradiction in the version given by the victim girl before the Juvenile Justice



Board Court and before the Court below in Spl.S.C.No.127 of 2023. Considering the seriousness of the charge faced by the petitioner, no prejudice will be caused if the petitioner is furnished with the certified copy of the deposition of the victim girl recorded by the Juvenile Justice Board Court, Chennai. The same is sought to be used by the petitioner at the time of final arguments. It will always be left open to the Court below to deal with the same on its own merits and in accordance with law.

6.In the light of the above discussion, the petitioner is directed to re-present the copy application before the Juvenile Justice Board Court, Chennai in J.C.No.13 of 2023 and on receipt of the same, the certified copy of the deposition of the victim girl shall be furnished, forthwith.

7.This criminal original petition is disposed of with the above directions.

27.02.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

ssr

Note:Issue Order Copy on 29.02.2024



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N. ANAND VENKATESH, J.

SSR

To

- 1.The Inspector of Police,
W-4, All Women Police Station,
Kilpauk, Chennai 60 010.
- 2.The Juvenile Justice Board Court, Kellys, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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