



Crl.R.C.No.417 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

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THE HONOURABLE MR.JUSTICE M. DHANDAPANI

Crl.R.C.No.417 of 2022
and Crl.M.P.No.4264 of 2022

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.... Petitioner

Versus

The State rep. by
the Inspector of Police,
Podanur Police Station,
Coimbatore District.
(Crime No.1615 of 2020)

.... Respondent

Prayer: The Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C. against the order dated 03.03.2022 made in Crl.M.P.No.537 of 2022 in Spl.C.C.No.41 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

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ORDER

The present Criminal Revision Case has been filed against the order dated 03.03.2022 made in Crl.M.P.No.537 of 2022 in Spl.C.C.No.41 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

2. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as Accused No.2 and she was implicated along with other accused under Section 9(I) r/w 10, 16 r/w 17 of POCSO Act, 2012, 366 of IPC and she filed a discharge petition under Section 227 of Cr.P.C. before the trial Court and the same was dismissed. Challenging the same, the present Criminal Revision Case is filed.

3. However, the learned counsel appearing for the petitioner would submit that without going into the merits of the case, this Court may permit the petitioner to canvass all those points before the trial Court including the name dispute and may also dispense with the appearance of the petitioner before the trial Court except under Sections 207 and 313 of Cr.P.C. and on the date of judgment.



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4. Though such a prayer has been sought for, however, it is to be pointed out that the presence of the petitioner cannot be dispensed with in *toto*. In such view of the matter, this Court, without going into the merits of the case, directs that the appearance of the petitioner before the trial court is dispensed with except for her appearance for the purpose of receiving copies under Section 207 and questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial Court, at its wisdom, shall direct her appearance on those days.

5. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

05.06.2024

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M. DHANDAPANI, J.

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To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Coimbatore.
2. The Inspector of Police, Podanur Police Station, Coimbatore District.
3. The Public Prosecutor, High Court of Madras.

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