



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.6490 of 2024

Rajendran

...Petitioner

Vs.

State By:

Inspector of Police,
All Women Police Station, Ammapet,
Salem.

(Crime No.03 of 2021)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order passed by the learned Sessions Judge, Principal POCSO Court, Salem (viz. to recall of P.W 2 was dismissed) in CrI.MP. 417 of 2022 dated 26.10.2023 in Spl.SC.No.130 of 2021.

For Petitioner : Mr.R.M.Venkatesan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the order passed by the Court below dismissing the application filed to recall the witnesses for cross-examination insofar as PW2 is concerned.



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. In the considered view of this Court, PW2 is the victim child who was examined in chief on 21.06.2022. For some reason, the victim child was not cross-examined. Thereafter, on change of counsel, the application to recall the witnesses was filed. The Court below has assigned proper reasons as to why PW2 cannot be recalled in this case by taking into consideration, Section 33(5) of the POCSO Act. The Court below has allowed the application insofar as PW1, PW3 to PW5.

4. This Court does not find any illegality or infirmity in the order passed by the Court below and it does not require the interference of this Court. Accordingly, this criminal original petition stands dismissed.

18.03.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr



To

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- 1.The Sessions Judge, Principal POCSO Court, Salem.
- 2.The Inspector of Police,
All Women Police Station, Ammapet,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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