



CrI.OP.No.7288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.7288 of 2024

Manikandan
S/o.Dhatchinamoorthy

... Petitioner

Vs.

The State represented by
Inspector of Police,
All Women Police Station,
Ranipet.
Crime No.23 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to set aside the order passed in CrI.M.P.No.2327 of 2023 in
Spl.S.C.No.178 of 2021, dated 22.01.2024 on the file of Special Judge
for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, Vellore
District.

For Petitioner : Mr.M.Karthikeyan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the order passed by the Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, Vellore District, in Crl.M.P.No.2327 of 2023 in Spl.S.C.No.178 of 2021, dated 22.01.2024, dismissing the application filed under Section 311 Cr.P.C. to recall PW-1 and PW-2 for further cross-examination.

2. Heard Mr.M.Karthikeyan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The petitioner is facing trial before the Court below for various offences under the POCSO Act. PW-1 is the father of the victim girl and PW-2 is the victim. Both were examined in chief and cross-examined on the side of the petitioner. The case was at the stage of examination of other prosecution witnesses. At that stage, the petitioner filed an application to recall PW-1 and PW-2 for further cross-examination. The Court below, by order dated 22.01.2024, dismissed this petition. Aggrieved by the same, the present petition has been filed.



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4. In the considered view of this Court, PW-1 and PW-2 have been cross-examined sufficiently on the side of the petitioner. The Court below has given sufficient reasons as to why the application filed by the petitioner is not sustainable and this Court does not find any illegality or infirmity in those reasonings.

5. On a careful reading of the application filed by the petitioner before the Court below seeking for recalling PW-1 and PW-2 for further cross-examination, it is seen that there is absolutely no reason assigned by the petitioner as to why these two witnesses have to be recalled in this case. The order passed by the Court does not warrant any interference.

Accordingly, this Criminal Original Petition is dismissed.

26.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH, J.

gm

To

- 1.The Special Judge (POCSO Act cases),
Vellore, Vellore District.
- 2.The Inspector of Police,
All Women Police Station,
Ranipet.
Crime No.23 of 2021
- 3.The Public Prosecutor,
High Court, Madras.

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