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Crl.OP.No.9161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.9161 of 2024

Suresh

.... Petitioner

Vs.

The State Rep by
The Inspector of Police
Kilkodunkalore
Thiruvannamalai District
Cr.No.284/2015

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 11.03.2024 in Crl.MP.No.421 of 2024 made in Spl.SC.No.80 of 2019 by Special Court for Trial of the cases under POCSO Act, Thiruvannamalai, Thiruvannamalai District in respect to the recall of PW13 and also direct the trial court to recall the witness namely PW13 for cross examination in the above Sp.SC.No.80 of 2019.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr. K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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This petition is filed to set aside the order passed by the Special Court for POCSO offence, Thiruvannamalai. It has declined to re-call petition filed by the accused in respect of P.W.13, the Doctor who has given her opinion about the age of the victim.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the age of the victim girl is not certain in the course of investigation got opinion of P.W.13 who has certified that the victim girl must be between 16 to 18 years old. However, her certificate not been marked by the prosecution and therefore P.W.13 must be re-called for marking the opinion given by P.W.13.

3. The learned Government Advocate (Crl.Side) further submitted that the prosecution has proceeded against the petitioner herein under POCSO Act based on the school certificate of the victim girl. The transfer certificate clearly indicates that at the time of occurrence the victim girl was 16 years old. Therefore, the transfer certificate of the victim girl which prevails upon the opinion of the expert been already



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marked. Hence, the trial Court has rightly declined to entertain the re-call petition.

4. Accordingly, this Criminal Original Petition is dismissed.

15.04.2024

Vv

To

1. The Special Court for Trial of the cases
under POCSO Act, Thiruvannamalai,
Thiruvannamalai District
2. The Inspector of Police
Kilkodunkalore
Thiruvannamalai District
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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