



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.256 of 2024
and Crl.M.P.No.2401 of 2024

K.Raushan Kumar Choudhary

... Petitioner

Vs.

State rep.by the
Station House Officer,
Mahe Police Station, Puducherry.

... Respondent

Prayer : Criminal Revision Case has been filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order passed by the learned Special Judge (under POCSO Act) Puducherry in Cr.M.P.NO.2599/2022 in Spl.SC.No.61/2022 dated 10.02.2023.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.K.S.Mohandoss, Public Prosecutor
(Puducherry)

ORDER

The Criminal Revision case has been filed seeking quashment of the order passed by the learned Special Judge (under POCSO Act)



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Puducherry in Cr.M.P.NO.2599/2022 in Spl.SC.No.61/2022 dated 10.02.2023.

2. The petitioner has been implicated for the offence under Sections 363 of IPC and Section 8 of POCSO Act 2012 in Cr.No.06/2022 and the same was taken on file in SC.No.61 of 2022, in which, the petitioner filed a petition u/s. 227 of Cr.P.C. in CrI.MP.No.2559 of 2022, seeking to discharge from the charges framed against him, which was dismissed by the trial, vide impugned order dated 10.02.2023 Challenging the same, the petitioner has filed the present revision.

3. Though very many grounds have been raised by the petitioner against the order impugned, however, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that the petitioner would contest the case before the trial Court and this Court, without going into the merits of the case may dispense with the appearance of the petitioner before the trial court.



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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 their appearance for the purpose of receiving copies u/s.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 his appearance on those days.

5. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are closed.

01.08.2024

Index: Yes/No
Speaking/Non-Speaking order
Rli



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M.DHANDAPANI, J.

rli

To

1. The Special Judge (under POCSO Act),
Puducherry.
2. The Station House Officer,
Mahe Police Station, Puducherry.
3. The Public Prosecutor,
High Court of Madras.

CrI.R.C.No.256 of 2024

01.08.2024