



WEB COPY



Crl. O.P.No.25407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.25407 of 2024

Marimuthu

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
AWPS, Udumalpet,
Tiruppur District.
Cr.No.9 of 2023.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in Spl.S.C.No.81 of 2024 on the file of the Court of Sessions Judge, Mahalir Neethimandram (FTMC) Tiruppur and set aside the dismissed order dated 06.08.2024 passed in Crl.MP.No.559 of 2024.

For Petitioner : Mr.S.Parameswaran

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

ORDER

The petition to re-call P.W.1 to P.W.4 was partly allowed by the trial Court, allowing the application as far as P.W.2 to P.W.4 and declined in respect of P.W.1.



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2. It is the case under POCSO offence, P.W.1 is the victim child aged about 11 years. The Court below has assigned reasons why application to re-call P.W.1 is declined.

3. This Court finds that the victim child is aged about 11years, examined in Chief on 30.01.2024 sought to be re-called by the accused for the purpose of cross-examination. The Court below has rightly declined the requests to avoid traumatizing the victim again and again. Since the reasons are in tune with the pronouncement of Hon'ble Supreme Court judgement, this Court finds no error or infirmity in the order passed by the Court below. Hence, this Criminal Original Petition is dismissed.

17.10.2024

Vv

To

1. The Inspector of Police,
AWPS, Udumalpet,
Tiruppur District.
2. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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