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Crl.RC No.1745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1745 of 2024
and Crl.M.P.No.14355 of 2024

Dhyaneshwar

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
W-4, All Women Police Station,
Kilpauk,
Chennai – 600 010.
(Cr.No.10/2023)

... Respondent

PRAYER: Criminal Revision Case filed under Sections 438 r/w 442 of the BNSS, to call for the records made in Crl.M.P.No.345 of 2024 in Spl.S.C.No.61 of 2024 on the file of Special Court under POCSO Act, Chennai, dated 26.06.2024 and set aside the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

The petition challenges the order dated 26.06.2024 passed by the
Special Court under POCSO Act, Chennai, dismissing the petitioner's



application for discharge.

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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-State and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the petitioner was never present at the scene of the occurrence; that the CCTV footage seized from the occurrence would establish the said fact; that the petitioner has been falsely implicated in the case and that there are other evidences to show that the petitioner was at the scene when the alleged occurrence took place.

4. It is well settled that at the stage of charge framing, grave suspicion is sufficient to frame charge. The probative value, the veracity and the effect of the evidence cannot be gone into at that stage. The probable defence of the accused on facts can only be decided in the trial.

5. The points raised by the petitioner are matters which could be adjudicated before the trial Court and it is open to the petitioner to raise



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all the above mentioned points and establish his case before the trial Court.

6. With the above observation, the Criminal Revision Case stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

12.11.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai
- 2.The Inspector of Police,
W-4, All Women Police Station,
Kilpauk,
Chennai – 600 010.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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