



Crl.O.P.No. 30600 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.30600 of 2024

and

Crl.M.P.No.17402 of 2024

J.Jayaprakash

... Petitioner

Vs

The State represented by
The Inspector of Police,
Mailam Police Station,
Villupuram.

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS Act, to set aside the order of the learned Sessions Judge, Special Sessions Court for Exclusive Trial of Cases under POCSO Act, Villupuram in Crl.M.P.No.917 of 2024 in Spl.S.C.No.121 of 2022 dated 4th September 2024.

For Petitioner : Mr.N.Chandran

For Respondent : Mr.S.Sugendran
Additional Government Pleader



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 04.09. 2024 passed in Crl.M.P.No.917 of 2024 in Spl.S.C.No.121 of 2022 by the learned Sessions Judge, Special Sessions Court for Exclusive Trial of Cases under POCSO Act, Villupuram

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent/Police and perused the materials available on record.

3. A case in Spl.S.C.No.121 of 2022 was registered as against the petitioner under POCSO Act and the trial has been commenced by the Special Sessions Court for Exclusive Trial of Cases under POCSO Act, Villupuram. The victim was examined on 12.08.2022 and she was cross examined on the same day itself. Examination of all the prosecution witnesses was completed. The Hon'ble Apex Court time and again has given direction that in the cases registered under POCSO Act, investigation as well as trial has to be completed within the stipulated



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time. As far as the above case is concerned, the trial started commencing in the year 2022 itself.. Though sufficient opportunity was given to the petitioner and though the petitioner has cross examined all the prosecution witnesses, in order to protract the case, he filed the petition to recall P.W.1 before the learned Special Court and the same was dismissed. Aggrieved over the same, the petitioner has filed the above criminal original petition. After two years, the petitioner has filed the petition to recall P.W.1 and the same is not appreciated. Taking advantage of pendency of cases under POCSO Act for trial, the petitioner cannot recall the witnesses especially the victim as a matter of right. The victim should not be dragged from pillar to post under the guise of examination of witness. The victim has to be examined and cross examined simultaneously. Further, it is represented that trial has been completed and the special case in Spl.S.C.No.121 of 2022 is posted for judgement.

4. In view of the same, there is no reason to interfere with the



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order passed by the Special Court. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

09.12.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Sessions Judge,
Special Sessions Court for Exclusive Trial of
Cases under POCSO Act,
Villupuram.
2. The Inspector of Police,
Mailam Police Station,
Villupuram.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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