



CrI.O.P.(MD)No.5036 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5036 of 2024

and

CrI.M.P.(MD)No.3949 of 2024

Rajkumar

... Petitioner

versus

The Inspector of Police,
AWPS – Sivagangai,
Sivagangai District
(Crime No.9 of 2018)

... Respondent

Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned order dated 20.02.2024 in C.A.No.551 of 2024 in Spl.S.C.No.19 of 2019 on the file of the Principal Special Court for exclusive trial of cases under the POCSO Act, 2012, Sivagangai and set aside the same as illegal and consequently, direct the trial Court to issue certified copies to the petitioner as mentioned in C.A.No.551 of 2024, by allowing this Criminal Original Petition.



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For Petitioner : Mr.V.Lakshmanan
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)

ORDER

The petitioner, an accused in Spl.S.C.No.19 of 2019 on the file of the Principal Special Court for exclusive trial of cases under the POCSO Act, 2012, Sivagangai, has filed an application in C.A.No.551 of 2024, seeking for certain documents. The learned Sessions Judge, Sivagangai, by order dated 20.02.2024, rejected the said application. As against the same, the present petition has been filed.

2. The learned counsel appearing for the petitioner submits that the petitioner has filed Copy Application No.551 of 2024 seeking the following documents:

- (i) 161 Cr.P.C. Statements of all the witnesses
- (ii) Exs.P1 to P14
- (iii) The details about the charge which has been framed by the



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trial Court. However, the trial Court has dismissed the said application.

Hence, the petitioner is before this Court.

3. This Court heard the learned counsel appearing for the petitioner and also perused the order passed by the trial Court.

4. The learned Sessions Judge has dismissed the said application by expressing his anguish and the same is extracted as under:

“2. From the day 1 of his appearance (04.09.2019), the accused changed number of counsels and had adopted so many delaying tactics to prolong the case proceedings. The trial commenced and the P.W.1 was examined on 09.11.2021. Prosecution side evidence closed on 08.06.2023. The accused was questioned u/s.313(1)(b) of Cr.P.C. on 08.06.2023. Number of opportunities afforded on him to adduce Defence Evidence. In the meantime, the Accused filed an application to re-call the P.W.18 – Investigating Officer u/s.311 Cr.P.C. Re-call Petition allowed on payment of costs of Rs.1000/-. Having grabbed the adjournments many time, the



Accused had not adduced Defence Evidence and finally on 06.10.2023 he filed an application u/s.315 Cr.P.C. seeking permission of this Court to adduce 3 independent witnesses, who were working in his Office. While so, the offences occurred at the private quarters of the Accused, it is irrelevant to call the official witnesses on the defence side, but this Court permitted the same by order dated 07.11.2023.

3. Even after the period from 16.08.2023, i.e. for about 5 months the Accused had not adduced defence evidence and thereafter on 14.12.2023 he filed two applications viz., Crl.M.P.No.1171/2023 under Section 311 Cr.P.C. to re-call PW1, PW2, PW15 and PW18 so as to cross examine them again and Crl.M.P.No.1172/2023 under Section 91 Cr.P.C. to call for i) his Office Attendance Register for the period July 2017 from Sivagangai Treasury Office, ii) School Attendance Register of the Survivor Child for the year 2017 to 2018 from Raja Higher Secondary School, Sivagangai and iii) Call Details Register (CDR) from BSNL office, Sivagangai relating to the Telephone Call received by Child line from the Phone No.1098 received by the PW2 – Child Protection Officer, who received the call on



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17.04.2018, as to prove his side Case. This Court has patiently received those applications, numbered the same, received the objections from the Prosecution side and posted for hearing arguments in the said two Miscellaneous Applications.

4. In the meantime, the Copy Application No.551 of 2024 working Certified Copies of the vital documents, which were supplied to the Accused in the year 2018 itself free of cost under Section 207 Cr.P.C. Already two advocates conducted this case for and on behalf of the accused. They have also filed Copy Applications and obtained the relevant certified copies earlier. Now, in the eve of this case, after 6 years, the present Counsel for Accused filed this C.A.No.551 of 2024 in order to make this Court painful and this amounts to vexatious process.”

5. In view of the findings of the trial Court, this Court is not inclined to entertain this petition.



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6. Accordingly, this Criminal Original Petition is dismissed.

However, there shall be a direction to the trial Court to conclude the trial in Spl.S.C.No.19 of 2019 as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

01.04.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Sessions Judge,
Principal Special Court for exclusive trial
of cases under the POCSO Act,
Sivagangai.
2. The Inspector of Police,
AWPS – Sivagangai,
Sivagangai District.



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B.PUGALENDHI, J.

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