



Crl.O.P.(MD)No.8418 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.8418 of 2023
and Crl.M.P. (MD) No.7345 of 2023

Raman

... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Kumbakonam, Thanjavur District.
Crime No. 2 of 2019.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the learned Sessions Judge, Special court for Exclusive of Trial of cases under POCSO Act, Thanjavur in Cr. M.P NO. 109 of 2023 in Spl S.C No. 20 of 2020 and set aside the order dated 23.02.2023.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the proceedings of the Court below in Crl.M.P.No.109 of 2023 in Special S.C.No.20 of 2020, dated 23.02.2023, dismissing the application filed under Section 311 of Cr.P.C. for recalling P.W.1 and P.W.2 for further cross examination.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.The petitioner is facing trial before the Court below for offence under the POCSO Act. P.W.1 and P.W.2 were examined in chief on 20.04.2022. At that point of time, the petitioner did not cross examine these witnesses. Thereafter the petitioner filed an application under Section 311 of Cr.P.C. to recall P.W.1 and P.W.2. The same was allowed and P.W.1 and P.W.2 were recalled and they were cross examined on 28.10.2022. Thereafter, the examination of all the other witnesses were



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also completed and the questioning was also done under Section 313(1)

(b) of Cr.P.C. At this point of time, the present application came to be filed to recall P.W.1 and P.W.2 for further cross examination.

4.In the considered view of this Court, the petitioner cannot keep filing one application after another recalling witnesses. It is not the convenience of the petitioner to recall witnesses. In the instant case, the petitioner had an opportunity to recall witnesses even on earlier occasion and it was permitted by the Court. Thereafter, the petitioner also cross examined P.W.1 and P.W.2. Hence, the petitioner cannot keep filing application after application to recall witnesses just because some questions were not asked. The art of cross examination is to put all appropriate questions to the witnesses when they are before the Court. Cross examination cannot be done in installments and the witnesses cannot be subjected to cross examine repeatedly.

5.The order passed by the Court below does not suffer from any illegality warranting the interference of this Court. Hence, this Criminal Original petition is dismissed and there shall be a direction to



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the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur, to dispose of Special S.C.No.20 of 2020 within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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- To
- 1.The Inspector of Police,
All Women Police Station,
Kumbakonam, Thanjavur District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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