



Crl.O.P.(MD) No.7714 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.05.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

Crl.O.P.(MD)No.7714 of 2024
and Crl.M.P.(MD).No.5374 of 2024

Rajalingam

... Petitioner/Accused No.1

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Special Court for Exclusive trial of Cases under POCSO Act, Thoothukudi, in Cr.M.No.26 of 2024 in Special Case No.51 of 2022 vide order dated 05.03.2024 and consequently, direct the aforesaid learned Judge to recall the prosecution witnesses namely PW1 for the purpose of further cross examination.

For Petitioner :Mr.P.Samuel Gunasingh

For Respondent :Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed to set aside the order passed by the learned Special Court for Exclusive trial of Cases under POCSO Act, Thoothukudi, in Cr.M.No.26 of 2024 in Special Case No.51 of 2022 vide order dated 05.03.2024 and consequently, direct the aforesaid learned Judge to recall the prosecution witnesses namely PW1 for the purpose of further cross examination.

2.The petitioner who is the first accused in this case is facing trial in Spl.S.C.No.51 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi. Pending trial the petitioner has take a petition in Crl.M.P.No.26 of 2024 to recall the PW1 for further cross examination. The same was dismissed on 05.03.2024. Against the above said dismissal order, the petitioner is before this Court.

3.The facts are that the victim girl was 17 years old at the time of marriage and now they are living together. Moreover, all the relatives are not inclined to prosecute the case further. Therefore, this Court is inclined to interfere in the



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present impugned order. The trial Court is directed to recall the witness namely PW1 and on the same day the cross examination shall be conducted.

4.With the above said directions, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

23.05.2024

TM

To

1.The Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act, Thoothukudi.

2.The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY. J.

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