



Crl.O.P.(MD)No.13187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13187 of 2024

Stephina

... Petitioner

Vs.

The State represented by its
The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli-627006.
(Crime No.6 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for POCSO Act Cases, Tirunelveli to expedite the trial and dispose the case in Special C.C.No.120 of 2023 within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed, invoking Section



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528 B.N.S.S., seeking orders to direct the Special Court for POCSO Act Cases, Tirunelveli to expedite the case in Spl.C.C.No.120 of 2023 and dispose of the same as expeditiously as possible within a time that may be stipulated by this Court.

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

3. It is evident from the records that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.6 of 2023 and that the respondent, after completing the investigation, has laid the final report before the Special Court, Tirunelveli and the same was taken on file in Spl.C.C.No.120 of 2023.

4. The learned counsel appearing for the petitioner would submit that after obtaining bail, the accused is trying to prolong the case by non-appearance and tampering the witness and that the case stands posted on 09.08.2024 for evidence of witness No.5 and there is no progress from 01.02.2024.



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5. The learned Additional Public Prosecutor appearing for the respondent would submit that L.W.1 to L.W.3 were examined as P.W.1 to P.W.3 and now the case stands posted for examination of L.W.4 to L.W.9.

6. The fact remains that charge sheet was filed only in the year 2023. The High Court has already issued Circulars to the District Judiciary directing the Courts to give priority for the cases relating to the Senior Citizens, HIV affected persons, Defence personnel, women and children etc., The petitioner, without approaching the trial Court, has directly approached this Court. In the absence of total pending particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the case within the specified period of time.

7. However, the trial Court is required to give priority to the cases, as per the Circulars of the High Court. The petitioner is at liberty to approach the trial Court and if such requisition for early disposal of the case is made, the learned trial Judge is directed to consider the same in



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the light of the circulars issued by this Court.

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8. With the above observation and direction, this Criminal Original
Petition stands disposed of.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Special Court for POCSO Act Cases,
Tirunelveli.
- 2.The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli-627006.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13187 of 2024

Dated: 13.08.2024