



CRL MP(MD) No.9091 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Thirtieth day of September Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and

The Hon`ble Ms.Justice R. POORNIMA
CRL MP(MD) No.9091 of 2024

IN
CRL A(MD) No.261 of 2024

MURALI

... PETITIONER/PETITIONER/ APPELLANT

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
PAPANASAM,
ALL WOMEN POLICE STATION,
PAPANASAM,
CRIME NO.01/2019

... RESPONDENT/RESPONDENT/1ST RESPONDENT

2 DURGA

... 2ND RESPONDENT/2ND PROPOSED RESPONDENT
/2ND PROPOSED RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Implead the proposed respondent as 2nd respondent in Crl MP(MD) No.3774/2024 in Crl.A(MD) No.261/2024 pending on the file of this Honble Court.

Prayer in CRL A(MD) No.261 of 2024 :

To call for the records, set-aside the Judgment of Conviction and sentence imposed as against the Appellant in the Judgment dated 08.03.2023 in S.S.C.No.117 of 2019 on the file of Learned Principal Special Court for exclusive Trial of cases under POCSO Act, Thanjavur and Acquit the Appellant of all charges and thereby allow the present appeal as prayed.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of

<https://www.hmc.tn.gov.in/judis>



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MR.A.SIVASUBRAMANIAN, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

The Criminal Miscellaneous Petition has been filed to implead as second respondent, the defacto complainant. The appellant had been convicted in Spl.S.C.No.117 of 2019 by the Principal Sessions Court for Exclusive Trial of Cases under POCSO Act, Thanjavur for offence under Sections 6 of POCSO Act r/w. 3(2) (v) of SC/ST (Prevention of Atrocities Amendments Act, 2015). The appellant had been sentenced to undergo imprisonment for life with a fine of Rs.20,000/- for the substantial offence.

2.Since the appellant had been convicted for the offence under Section 3(2) (v) of SC/ST (Prevention of Atrocities Amendments Act, 2015) it is imperative before any orders are passed the defacto complainant is also heard.

3.The proposed respondent was the de-facto complainant. Notice had been directed and notice had been served and name had been printed in the cause list. She is also present in the Court.

4.On enquiry by Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, the proposed second respondent stated that she has no means to appoint any counsel. We would therefore, request the Member Secretary of High Court Legal Aid Service Authority attached to Madurai Bench to appoint a counsel of considerable standing



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of at least 10 years experience to appear on behalf of the second respondent whom we
now propose to implead as a party to the Criminal Miscellaneous Petition.

5.This Criminal Miscellaneous Petition stands allowed.

6.Registry is directed to carry out necessary amendment in the cause title. If
any counsel is so appointed, Registry is directed to give free copies of all relevant
documents to the said counsel.

sd/-

30/09/2024

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/10/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THANJAVUR.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
PAPANASAM ALL WOMEN POLICE STATION, PAPANASAM.

3 THE SUPERINTEDENT, CENTRAL PRISON, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1 THE MEMBER SECRETARY, HIGH COURT LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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2 THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.9091 of 2024
IN
CRL A(MD) No.261 of 2024
Date :30/09/2024

RS/JGB/SAR-(10.10.2024) 4P 7C
Madurai Bench of Madras High Court is issuing
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