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CrI.O.P.(MD)No.21124 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.21124 of 2022
and
CrI.M.P(MD).No.14811 of 2022

Anbu Raj

... Petitioner

Vs.

State rep. By

The Inspector of Police,

All Women Police Station,

Nagercoil.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set a side the order passed in CrI.M.P.No.1331 of 2022 in Special Sessions Case No.58 of 2018 dated 27.10.2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari District and allow the petition to recall P.W.4 for the purpose of cross examination.

For petitioner : Mr.C.T.Perumal

For Respondent : Mr.S.Manikandan

Government Advocate (CrI.Side)



ORDER

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This Criminal Original Petition has been filed to set aside the order made in Crl.M.P.No.1331 of 2022 in Special Sessions Case No.58 of 2018 dated 27.10.2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari District

2. The petitioner was implicated in Special Sessions Case No.58 of 2018. While so, in order to recall the witness, viz., P.W.4, for cross-examination, the petitioner has filed a petition in Crl.M.P.No. 1331/2022, which was dismissed by the court below and hence, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that during cross-examination of P.W.4, since the petitioner's counsel was out of station, he seeks for recalling the witness/P.W.4. He would further submit that a direction may be issued for recalling the witness, in which case, the petitioner pays necessary costs.

4. Considering the facts and circumstances of the case and in order to afford an opportunity to the petitioner herein to cross-examine P.W.4, this petition is disposed of with the following direction:



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The trial court shall issue notice to P.W.4 by fixing the date of hearing and on the said date, the petitioner herein shall cross-examine the said witness, in which case, the petitioner shall pay a cost of Rs.10,000/- (Rupees Ten thousand only) to P.W.4. Consequently connected Miscellaneous Petition is closed.

28.02.2024

Index : Yes/No
Internet : Yes/No
tta

To

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



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M.DHANDAPANI. J.

tta

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