



CrI.O.P.No. 3650 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.3650 of 2025 and
CrI.M.P.No.2409 of 2025

Krishnamurthy

... Petitioner

Vs.

State by its
Inspector of Police,
Vanapuram Police Station,
Vanapuram,
Thiruvannamalai District.
(Crime No.343 of 2019)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in CrI.M.P.No.1656/2024 in Spl.S.C.No.73 of 2020 dated 24.12.2024 on the file of the Special Court, POCSO Act, Thiruvannamalai, Thiruvannamalai District.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.K.M.D.Muhilan,
Government Advocate (crl.side)



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ORDER

This petition has been filed challenging the order passed in CrI.M.P.No.1656 of 2024 in Spl.S.C.No.73 of 2020 dated 24.12.2024 on the file of the Special Court, POCSO Act, Thiruvannamalai, Thiruvannamalai District, thereby dismissing the application filed by the petitioner to recall PW21, the Investigating Officer.

2. Heard both sides and perused the material available on record.

3.The petitioner is arrayed as A2 and is facing charges for offences under Sections 354, 354A of the IPC and Section 7, 8, 9(f), 10, 11 and 12 of the POCSO Act in Spl. S.C. No. 73 of 2020 on the file of the Special Court for POCSO cases, Thiruvannamalai. The prosecution has already examined all the witnesses, and the defence witnesses have also been examined. When the case was posted for arguments, the petitioner filed an application to recall PW21, who is the Investigating Officer, but the application was dismissed. The grievance of the petitioner is that the location of the occurrence, i.e., the school topography, was not verified,

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and the recall of PW21 is necessary for further examination in that regard.

4. On perusal of records, it is seen that PW21 had already been cross-examined in detail. Anything that arises from the defence witnesses can be put forth during arguments, and there is no need to cross-examine PW21 again to disprove the prosecution's case. Further, PW21 was examined on 02.03.2023, and his chief examination was completed on 23.08.2024, accompanied by the cross-examination on the same day. The matter was thereafter posted for questioning. Subsequently, the first accused filed an application to recall PW21 under Section 311 of Cr.P.C., which was dismissed by an order dated 24.04.2024. Now, the second accused has filed an application to recall PW21.

5. After considering the submissions made and perusing the record, this Court does not find any infirmity or illegality in the order passed in CrI.M.P.No.1656 of 2024 in Spl.S.C.No.73 of 2020 dated 24.12.2024 on the file of the Special Court, POCSO Act, Thiruvannamalai, Thiruvannamalai District. Accordingly, this Criminal



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Original Petition stands dismissed. Further, the Trial Court is directed to complete the trial within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

12.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To
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1. The Special Court, POCSO Act, Thiruvannamalai, Thiruvannamalai District
2. The Inspector of Police,
Vanapuram Police Station,
Vanapuram,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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