



Crl.O.P.No.7570 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

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

Crl.O.P.No.7570 of 2025

Muthu Kumar

... Petitioner

Vs

The State Rep. By
The Inspector of Police,
AWPS East Coimbatore City,
Police Station, Coimbatore.
(Crime No.54 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/Section 528 of BNSS, 2023, to set aside the dismissal order passed on 15.05.2024 in CMP.No.375 of 2024 on the file of the Principal Special Court of exclusive trial of cases under POCSO Act, Coimbatore, in Special SC.No.55 of 2022 on file of the Principal Special Court of exclusive trial of case under POCSO Act, Coimbatore in Crime No.54 of 2021 the Inspector of Police, AWPS, East, Coimbatore city and pass order to recall prosecution witnesses PW-1, PW-2, PW-9, PW-12 and PW-13.

For Petitioner : M/s.Thanganila M.K.

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER



CrI.O.P.No.7570 of 2025

This petition has been filed to set aside the dismissal order passed on 15.05.2024 in CMP.No.375 of 2024 on the file of the Principal Special Court of exclusive trial of cases under POCSO Act, Coimbatore, thereby dismissing the application filed to recall PWs.1, 2, 9, 12 and 13 for further cross examination.

2. Heard both sides and perused the materials placed on record.

3. The petitioner is an accused in Spl.S.C.No.55 of 2022 and facing charges for the offences punishable under Sections 454, 380, 403, 406, 404, 364, 302 and 201 of IPC and Section 4(2) read with Section 18 of POCSO Act. Out of 41 witnesses, the prosecution had already examined 30 witnesses as PWs.1 to 30. When the matter is posted for further examination of prosecution witnesses, the petitioner filed an application to recall PWs.1, 2, 9, 12 and 13 for further cross examination.

4. A perusal of records revealed that PWs.1 and 2 were already fully cross examined by the petitioner and now filed an application for further cross examination. It is nothing but to drag the proceedings. That apart, the victim girl cannot be repeatedly called for examination before the Trial Court, since there is a bar under Section 33(5) of POCSO Act.



Crl.O.P.No.7570 of 2025

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5. In view of the above, the Trial Court had rightly dismissed the application filed by the petitioner and this Court finds no infirmity or illegality in the order passed by the Trial Court.

6. Accordingly, this Criminal Original Petition is dismissed.

14.03.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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Crl.O.P.No.7570 of 2025

G.K.ILANTHIRAIYAN. J.

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To

1. The Principal Special Court of exclusive trial of cases
under POCSO Act, Coimbatore.
2. The Inspector of Police,
AWPS East Coimbatore City,
Police Station, Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7570 of 2025

14.03.2025