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Crl.R.C.No.445 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.445 of 2025

and

Crl.M.P.No.5126 of 2025

C.Venkatesh

... Petitioner

..VS..

State of Tamil Nadu

Rep.by its,

Sub-Inspector of Police (Crime),

W.22 Mylapore All Women Police Station,

Chennai, (W.22 Crime No.9 of 2020).

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to call for the records and set aside the order dated 19.02.2025 in Crl.M.P.No.73 of 2025 in Spl.S.C.No.10 of 2021 on the file of the learned Special Judge for POCSO (Mahila) Court, at Chennai.

For Petitioner : Mr.D.Percivul Pericles

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Petition has been filed challenging the order dated 19.02.2025 passed in Crl.M.P.No.73 of 2025 in Spl.S.C.No.10 of 2021 by the learned Special Judge for POCSO (Mahila) Court, Chennai.

2. Learned counsel for the petitioner submitted that the petitioner has been arrayed as accused in Spl.S.C.No.10 of 2021. In order to wreak vengeance against the petitioner, a false complaint has been lodged by using P.W.3 as a victim for the offences punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 506(Part-II) IPC. He further submitted that no proper understanding could be derived from the rough sketch provided by the prosecution and the rough sketch does not give any idea in aiding the Court to come to a conclusion. For properly appreciating the evidence, it is necessary to visit and inspect the scene of occurrence and hence, the petitioner filed a petition invoking Section 310 Cr.P.C., in Crl.M.P.No.73 of 2025, praying to conduct a local inspection of the scene of occurrence in Spl.S.C.No.10 of 2021. However, the Court below failed to appreciate the entire



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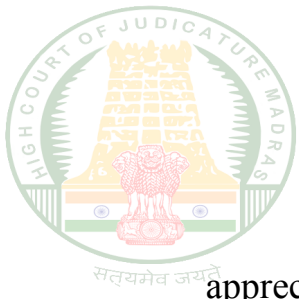
materials and dismissed the petition.

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3. Learned Additional Public Prosecutor appearing for the respondent-Police, on instructions, submitted that trial has commenced and both sides witnesses had already been examined and at the stage of arguments, only to drag on the proceedings, the petitioner-accused had filed the petition seeking to conduct local inspection of the scene of occurrence. The trial Court rightly appreciated the entire materials and dismissed the petition.

4. On a perusal of the entire materials available on record, including the impugned order, it is seen that the learned Special Judge rightly dismissed the petition by holding that, no necessity arose from the evidence to inspect the scene of occurrence, as the materials are crystal clear without any ambiguity.

5. Section 310 Cr.P.C., is not mandatory, and it confers only discretionary power on the Presiding Officer, who deals with the case, to visit the place of occurrence. Further, if a Presiding Officer of a Court has got any doubt regarding the place where the alleged offence had occurred, or any other place, it is deemed and necessary that in order to properly



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appreciate the evidence, the Judge or Magistrate shall visit the place of occurrence at any stage of the case in order to remove any ambiguity or identification with regard to the scene of occurrence, and if necessary, inspection of the scene of occurrence can be done after giving notice to the parties.

6. For better appreciation, Section 310(1) Cr.P.C. is extracted as follows:

"Any Judge or Magistrate may, at any stage of any inquiry, trial or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of properly appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection."

7. From the above extracted Section, it is clear that a Judge or Magistrate shall conduct a local inspection of the place where the alleged offence had occurred, or any other relevant location, at any stage of an inquiry, trial, or other proceeding, to properly appreciate the evidence.



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8. In the case on hand, trial itself had commenced and both side's evidence was closed and at the time of arguments, the petitioner has filed the petition invoking Section 310 Cr.P.C. As already stated, Section 310 Cr.P.C., confers a discretionary power on the Court concerned and it is not mandatory in every case to conduct inspection where the alleged occurrence was said to have taken place.

9. Therefore, this Court does not find any perversity in the impugned order of the Court below and there is no merit in the revision and the same is liable to be dismissed. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

17.03.2025

Note : Issue Order Copy on 17.03.2025

Index: Yes/No

Speaking Order/Non Speaking Order

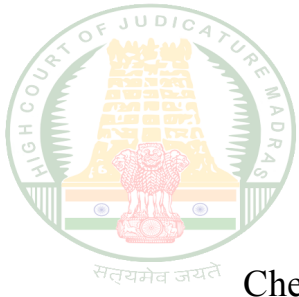
Neutral Case Citation : Yes / No

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To

1. The Special Judge for POCSO (Mahila) Court,

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2. The Sub-Inspector of Police (Crime),
W.22 Mylapore All Women Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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