



Crl.O.P.No.9845 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM:

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

Crl.O.P.No.9845 of 2025
and
Crl.M.P.No.6520 of 2025

Ravi Petitioner

Vs

State rep by
The Inspector of Police
All Women Police Station,
Vandalur,
Chengalpattu District Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.378/2024 in Spl.S.C.No.41 of 2023 on 22.01.2025 on the file of the Sessions Judge, Special Court for Exclusive Trial of case under POSCO Act, Chengalpattu consequently recall the prosecution witness PW-2 and PW-3 allow the petitioner to cross examine them.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed challenging the order dated 22.01.2025 passed in Crl.M.P.No.378 of 2024 in Spl.S.C.No.41 of 2023 by the Sessions Judge, Special Court for Exclusive Trial of case under POSCO Act, Chengalpattu, thereby dismissing the application filed under Section 311 of Cr.P.C. to recall P.Ws.2 and 3 for further cross examination.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is an accused in Spl.S.C.No.41 of 2023 and is facing trial for the offence under the POCSO Act. The prosecution had already examined three witnesses as P.Ws.1 to 3. P.Ws.1 and 3 are parents of the victim/P.W.2. All the three witnesses were already fully cross examined by the petitioner. Thereafter, in order to fill up the *lacunae*, the petitioner filed a petition seeking to recall P.Ws. 2 and 3 for further cross examination.

4. As per Section 33(5) of the POCSO Act, there is a clear bar against recalling the victim repeatedly for examination, except in exceptional circumstances. Therefore, the Trial Court rightly dismissed the application filed by the petitioner to recall P.Ws.2 and 3.



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5. In view of the above, this Court finds no infirmity or illegality in the order dated 22.01.2025 passed in Crl.M.P.No.378 of 2024 in Spl.S.C.No.41 of 2023 by the Sessions Judge, Special Court for Exclusive Trial of case under POSCO Act, Chengalpattu. However, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

6. In the result, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

03.04.2025
($\frac{1}{2}$)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Sessions Judge,
Special Court for Exclusive Trail of case under POSCO Act,
Chengalpattu

2.The Inspector of Police
All Women Police Station,
Vandalur,
Chengalpattu District

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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($\frac{1}{2}$)

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