



Crl.O.P.No.10973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM:

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

Crl.O.P.No.10973 of 2025

and

Crl.M.P.No.7298 of 2025

Sivakumar @ Kumar

.... Petitioner

Vs

The State rep.by

The Inspector of Police,

All women Police Station,

Ammamet,

Salem District

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 11.03.2025 made in Crl.M.P.No.,1405 of 2024 in Spl.S.C.No.43 of 2020 on the file of the Court of the Sessions Judge, Principal POCSO Court, Salem by allowing this Criminal Original Petition.

For Petitioner : Ms.Abinu Monisha

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

ORDER

This Criminal Original Petition has been filed challenging the order dated 11.03.2025 passed in Crl.M.P.No.1405 of 2024 in



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Spl.S.C.No.43 of 2020 on the file of the Sessions Judge, Principal
POCSO Court, Salem, thereby dismissing the application filed by the
petitioner to recall P.Ws 2 to 4.

2. Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (Crl.Side) appearing for the
respondent and perused the materials available on record.

3. The petitioner is facing charges under the POCSO Act in
Spl.S.c.No.43 of 2020 and is arrayed as A2. On the side of the
prosecution, they had examined all the witnesses and the matter now
stands posted for Judgment. At this juncture, the petitioner filed an
application to recall P.Ws.2 to 4 for cross examination. Though the
petitioner failed to cross examine P.Ws.2 to 4 on the date of their chief
examination, the present application to recall them was filed only at the
state when the matter was posted for Judgment. That apart, P.Ws 2 to 4
were examined in the year 2021. Therefore, the present application filed
to recall P.Ws.2 to 4 cannot be entertained and the Trial Court has rightly
dismissed the application filed by the petitioner seeking to recall P.Ws.2
to 4.

4. In view of the above, this Court finds no infirmity or
illegality in the order dated 11.03.2025 passed in Crl.M.P.No.1405 of



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2024 in Spl.S.C.No.43 of 2020 on the file of the Sessions Judge, Principal

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POCSO Court, Salem. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

15.04.2025

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

1.The Sessions Judge,
Principal POCSO Court, Salem.

2.The Inspector of Police,
All women Police Station,
Ammamet,
Salem District

3.The Public Prosecutor,
Madras High Court, Chennai.

G.K.ILANTHIRAIYAN, J.



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