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Crl.O.P.No. 10728 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM:

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

Crl.O.P.No. 10728 of 2025

and

Crl.M.P.No.7160 of 2025

Muniyamuthu

..... Petitioner

Vs

State rep by,
Inspector of Police,
Pollachi West Police Station,
Coimbatore District.
Crime No.1312 of 2020

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set-aside the order dated 26-03-2025 in C.M.P.No.1589 of 2024 in Spl.C.C.No.47 of 2021 on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore

For Petitioner : Mr.K.Sudhakar

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



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ORDER

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This Criminal Original Petition has been filed challenging the order dated 26.03.2025 passed in C.M.P.No.1589 of 2024 in Spl.C.C.No.47 of 2021 by the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, thereby dismissing the application filed by the petitioner to recall P.Ws. 1 to 5.

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

3. The petitioner is an accused in Spl.C.C.No.47 of 2021 and is facing trial for the offences under POCSO Act. The prosecution had examined P.Ws. 1 to 10 out of 24 witnesses. Even after cross examination of P.Ws.1 to 5 elaborately by the petitioner, the petitioner once again filed an application to recall P.Ws. 1 to 5 for further cross examination. Further, it is to be noted that further cross examination of the victim is impermissible under Section 33(5) of the POCSO Act, which bars repeated summoning of the victim except in exceptional circumstances. Insofar as the other witnesses are concerned, they have already been thoroughly cross examined by the prosecution. Hence, the application appears to be an attempt to drag the proceedings.



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4. In view of the above, this Court finds no infirmity or

illegality in the order dated 26.03.2025 passed in C.M.P.No.1589 of 2024

in Spl.C.C.No.47 of 2021 by the Principal Special Court for Exclusive

Trial of cases under POCSO Act, Coimbatore. Accordingly, this

Criminal Original Petition stands dismissed.

08.04.2025

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

To

1.The Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore

2.Inspector of Police,
Pollachi West Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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