



Crl.O.P.No. 12582 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM:

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

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Rajendran @ Raji

... Petitioner

Vs.

The State
Represented by the Inspector of Police
Avalurpettai Police Station
Villupuram
(Crime No.28 of 2019).

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to allow the criminal original petition and to set aside the order of Session Court / Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram dated 04.10.2024 in Crl.M.P.No.1891 of 2022 in Special S.C.No.174 of 2019 dismissing the said petition.

For Petitioner : Mr.R.Srinivas,
Senior Counsel for
M/s.V.Mythili

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



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ORDER

This Criminal Original Petition has been filed challenging the order dated 04.10.2024 passed by the learned Sessions Judge / Special Judge for Exclusive Trial of Cases under the Protection of Children from Sexual Offences (POCSO) Act, Villupuram, in Crl.M.P. No. 1891 of 2022 in Special S.C. No. 174 of 2019, thereby dismissing the petition filed under Section 310 of the Code of Criminal Procedure to conduct a local inspection of the well where the alleged occurrence is stated to have taken place, including its location, surroundings, and the distance from the house of PW1.

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

3. The petitioner is the accused in Special S.C. No. 174 of 2019 and is facing trial for offences punishable under Sections 307, 366(A), 354(D), and 506(i) of the IPC read with Section 4 of the POCSO Act. While the trial is pending, the petitioner filed an application under Section 310 of Cr.P.C., seeking a local inspection of the scene of



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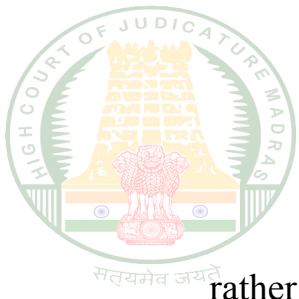
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occurrence, namely the well in which the alleged incident took place,

along with its surroundings and the distance from the residence of PW1.

The Special Sessions Case is of the year 2019, and almost all the prosecution witnesses have been examined. At this stage, the petitioner has come forward with the present application under Section 310 of Cr.P.C., after a lapse of three years from the date of the alleged incident, which is stated to have occurred on 29.01.2019.

4. It is pertinent to note that after such a considerable lapse of time, it is highly improbable that the condition of the well would remain the same as it was at the time of the incident. Further, it is not disputed that the well in question belongs to the petitioner himself, thereby giving rise to the possibility of alteration or manipulation of its physical features. That apart, during the cross-examination of the Investigating Officer, the petitioner had already raised questions relating to the depth of the well, thereby availing an opportunity to challenge the prosecution version on that aspect. Therefore, the Trial Court has rightly observed that the present petition appears to be a tactic to delay the proceedings



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rather than a *bona fide* attempt to aid the defence. The matter now stands posted for recording of defence evidence.

5. In view of the foregoing, this Court finds no infirmity or illegality in the order passed by the learned Sessions Judge / Special Judge for Exclusive Trial of Cases under the POCSO Act, Villupuram in Crl.M.P. No. 1891 of 2022 in Special S.C. No. 174 of 2019 dated 04.10.2024. Accordingly, this Criminal Original Petition stands dismissed.

24.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To
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1. The Sessions Judge / Special Judge for Exclusive Trial of Cases under the POCSO Act, Villupuram
2. The Inspector of Police
Avalurpettai Police Station
Villupuram
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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