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Crl.O.P.No. 12590 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM:

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

Crl.O.P.No.12590 of 2025

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.1533 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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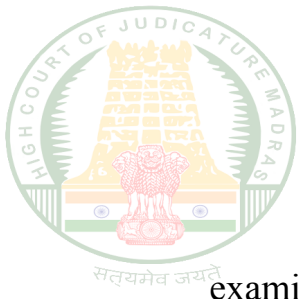
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ORDER

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. 1533 of 2022 in Special S.C. No. 174 of 2019, thereby dismissing the petition filed by the petitioner to recall PW5 for further cross-examination.

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

3. The petitioner is the accused in Special S.C. No. 174 of 2019 and is facing trial for the offences punishable under Sections 307, 366(A), 354(D), and 506(i) of the IPC, read with Section 4 of the Protection of Children from Sexual Offences (POCSO) Act. When the matter was posted for defence evidence, the petitioner filed a petition seeking to recall PW5 for further cross-examination. On a perusal of the records, it is revealed that PW5 was fully examined on 19.01.2021. In fact, following the chief examination, PW5 was subjected to full cross-



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examination by the petitioner. Therefore, the prayer seeking further cross-examination of PW5 would amount to filling up the lacuna in the defence, which is impermissible in law.

4. In view of the above circumstances, 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. 1533 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

G.K.ILANTHIRAIYAN, J.



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shk

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To

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.

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24.04.2025

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