



WEB COPY



Crl.R.C.No.699 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM:

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

Crl.R.C.No.699 of 2025
and
Crl.M.P.No.10529 of 2025

Fabsin

.... Petitioner

Vs

State rep by Inspector of Police,
AWPS, Vellore Police Station,
Vellore District.
Crime No.7 of 2022

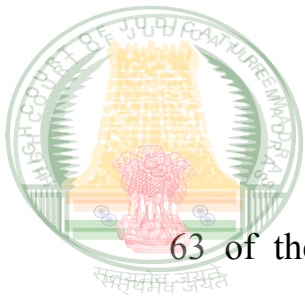
.... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order in Crl.M.P.no.211 of 2025 in Spl.S.C.No.160 of 2022 dated 14.05.2022 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act-2012, Vellore District.

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

ORDER

This Criminal Revision Case has been filed challenging the order dated 14.05.2025 passed in Crl.M.P.No.211 of 2025 in Spl.S.C.No.160 of 2022 by the Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore District, thereby dismissing the application filed under Section 61 r/w.



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63 of the Bharatiya Sakshya Adhiniyam, to mark a pen drive containing a recorded conversation between the petitioner and his wife.

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

3. The petitioner is facing charges under the POCSO Act. While the matter was posted for cross-examination of P.W.1, the petitioner filed an application to mark a pen drive containing a conversation between the petitioner and P.W.1. It is pertinent to note that P.W.1 is the wife of the petitioner and the victim girl is their daughter. The said conversation was originally recorded on the petitioner's mobile phone and was later copied to the pen drive, which the petitioner intended to mark through P.W.1.

4. However, the prosecution duly objected to the marking of the pen drive, contending that the conversation was entirely irrelevant to the charges framed. Further, there is a possibility of voice cloning. The prosecution also contended that the petitioner is always at liberty to prove his case by entering the witness box or examining defence witnesses.

5. The Trial Court rightly held that the pen drive cannot be marked



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without obtaining a scientific report from the competent authority. However, the petitioner is at liberty to cross examine P.W.1 regarding the said conversation between the petitioner and P.W.1 by playing the audio during cross examination. Therefore, the Trial Court rightly dismissed the application.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 14.05.2025 passed in Crl.M.P.No.211 of 2025 in Spl.S.C.No.160 of 2022 by the Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore District.

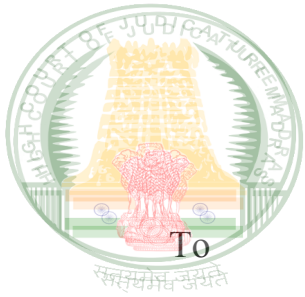
7. Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

11.06.2025

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

G.K.ILANTHIRAIYAN, J.

Lpp



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To

WEB COPY

1. The Special Judge for Exclusive Trial of Cases under POCSO Act, 2012,
Vellore District.
2. The Inspector of Police,
AWPS, Vellore Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

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