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Crl.RC.No.1325 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2025

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

Crl.RC.No.1325 of 2025
and Crl.M.P.No.15095 of 2025

Sekar

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Petitioner

Vs.

The Inspector of Police,
Mangalapuram Police Station,
Namakkal District.
Cr.No.540/2020

Respondent

Prayer: Criminal Revision is filed under Section 438 r/w. 442 of BNSS, to set aside the order dated 17.07.2025 made in M.P.No.2/2024 in Spl.C.C.No.23 of 2021 on the file of the Mahila Court, (Mahila Fast Track Court) Namakkal, and allow M.P.No.2 of 2024.

For Petitioner : Mr.S.Muthukrishnan

For Respondent : Mr.A.Gopinath
Govt. Advocate (Crl.side)



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ORDER

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made in M.P.No.2/2024 in Spl.C.C.No.23 of 2021 on the file of the Mahila Court, (Mahila Fast Track Court) Namakkal, thereby dismissing the petition filed under Section 311 of Cr.P.C. to examine P.W.13, P.W.14, P.W.21 in Spl.SC No.59/2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem.

2. The petitioner is an accused in Spl.CC.No.23/2021 on the file of the Mahila Fast Track Court, Namakkal, and he is facing charges for the offences punishable under Section 5(l) r/w. 6 of POCSO Act for the allegation that the petitioner had committed aggravated penetrative sexual assault on the minor victim. Even before the said occurrence, the victim girl was subjected for aggravated sexual assault by another accused person by name Ravindran who is within the jurisdiction of All Women Police Station, Ammapettai, Salem and he is also facing charges under Section 323 IPC and Section 5 (l) and 5 (m) and Section 6 of the POCSO Act. After completion of investigation, the Investigation Officer filed final report and he is facing trial in Spl.SC No.59/2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem. The Investigation Officer, Doctor and Forensic



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Expert were examined as P.W.13, P.W.14 and P.W.21. Now the petitioner filed a petition to recall P.W.13, 14 and 21 in Spl.SC.No.59/2021 and to examine them as defense witness in the present case.

3. Admittedly, the occurrence in Spl.S.C.No.59/2021 had took place from 20.10.2020, 28.10.2020, 07.11.2020. However, in the present case the occurrence had took place from 08.11.2020 to 13.11.2020. Moreover, the place of occurrence also differs between these two cases and there are different accused.

4. On perusal of the statement recorded under Section 164 Cr.P.C. of the victim revealed that the petitioner acted as a Godman to treat the victim's father and she was asked to stay with him. During that period i.e. from 08.11.2020 to 13.11.2020, exploiting the poverty of the victim, the petitioner herein committed penetrative sexual assault on the victim girl. Further, the victim girl was also exploited by another accused in Spl.SC No.59/2021. Exploiting the victim girl's poverty, the accused had committed aggravated sexual assault on the victim girl. Therefore the Doctor, Forensic Laboratory Expert and the Investigation Officer have nothing to do with the present case. Absolutely no purpose would serve if they are examined in the present case.



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5. It is not the case of the petitioner that the victim girl used to give false complaint as against other persons. As stated supra, both the accused exploited the poverty of the victim and committed aggravated penetrative sex on the victim. Further, P.W.13, P.W.14, P.W.21 have nothing to do with the present case. For the occurrence that had took place in Spl.S.C.No.59 of 2021, the Doctor, Investigation Officer and Forensic Expert are completely different persons from Spl.C.C.No.23/2021. Therefore, the trial Court has rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the trial Court.

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

06.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To:
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- 1.The Mahila Court, (Mahila Fast Track Court) Namakkal
2. The Inspector of Police,
Mangalapuram Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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