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Crl.O.P.No.32286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.32286 of 2024

and

Crl.M.P.No.18470 of 2024

C.Venkatesh

... Petitioner

Vs.

State of Tamil Nadu :

Represented by its

Sub-Inspector of Police (Crime),

W22, Mylapore All Women Police Station,

Chennai [W22 Crime No.9 of 2020]

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023,/ 482 Cr.P.C., to set aside the impugned order dated 10.12.2024 passed by the learned Special Judge for POCSO Mahilar, Chennai in Crl.M.P.No.1553 of 2024 in Spl.S.C.No.10 of 2021.

For Petitioner : Ms.M.Udaiya Bhanu

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to set aside the impugned order dated 10.12.2024 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in Crl.M.P.No.1553 of 2024 in Spl.S.C.No.10 of 2021.

2. It is seen from the records that after closing the prosecution witnesses including the victim child, at the stage of arguments, the petitioner has filed a petition under Section 311 Cr.P.C in Crl.M.P.No.1553 of 2024 before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai for re-calling P.W.1 to P.W.5 for cross-examination. The learned Sessions Judge after hearing the parties, dismissed the petition on the ground that no specific reason was stated by the petitioner for cross examination of PW.1 to P.W.5, who were already cross examined in detail including the victim child, whose repeated calling is specifically denied as that will cause annoyance to the victim child. The main allegation of the petitioner/accused is that the learned Sessions Judge,



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has not recorded the evidence properly, but whereas on a perusal of deposition of P.W.1 to P.W.5 clearly shows that P.W.1 to P.W.5 were examined in chief and also cross examined. The Hon'ble Supreme Court and this Court time and again held that especially in POCSO Act Cases, the victim cannot be made to run from pillar to post. In the present case, the chief and cross examination of victim was already completed and therefore, the reasons stated in the affidavit are not satisfactory and hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

3. The learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai is directed to complete the trial in Spl.S.C.No.10 of 2021 within a period of two months from the date of receipt of a copy of this order, after giving due opportunity of hearing to all the parties.

02.01.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act, Chennai.
2. The Sub-Inspector of Police (Crime),
W22, Mylapore All Women Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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