

**IN THE FAST TRACK SPECIAL COURT IDUKKI**

**Present:- Smt.Manju.V, Special Judge (Full Addl. Charge)**

Saturday the 25<sup>th</sup> day of October,2025 / 3<sup>rd</sup> day of Karthika, 1947(S.E)

**ORDER**

**Crl. MP.No.10/25**

**IN**

**Sessions Case No.473/2022**

**(Crime No. 908/2021 of Kanjar Police Station)**

Petitioner/1st Accused : Ashkar, S/o. Naushad, aged 18/21,  
Plakkudiyil House, Estate padi Bhagam,  
Pezhakkappilly Kara, Mulavoor Village,  
Muvattupuzha Taluk, Ernakulam District.

By Adv. Sri. Albert Jose

Respondent : State of Kerala, represented  
by the SHO,  
Kanjar Police Station

By Sri. Shijomon Joseph,  
Special Public Prosecutor

Proceedings : u/s.348 of BNSS

Order : Petition is dismissed.

The petition is came for hearing on 25<sup>th</sup> day of October, 2025 in the presence of the above counsel for both sides and on the same day the court passed the following:

ORDER

1. This is a petition filed by the learned counsel for the 1st accused u/s.311Cr.P.C/s.348 of BNNs for recalling and reexamining PW1, the victim.

2. The petitioner contends as follows:- When examined before the court, PW1 deposed that the photos and videos were sent only to the 1st accused who is the petitioner herein. It is contended that PW1 deliberately suppressed the main fact of the case. Hence it is highly necessary to recall and cross examine PW1. Hence the petition.

3. The learned Special Public Prosecutor filed objection stating that there was sufficient time and opportunity for the counsel for the first accused for cross examining PW1 and he utilised the said opportunity. There is no sufficient reason for re-calling and re-examining PW1. Hence it is prayed that the petition may be dismissed.

4. Heard both sides and perused the materials on record. The offences punishable u/s. 354 (D) (I) r/w 34, 506 (ii) r/w 34, 366 A r/w 34 of IPC & u/s. 67

(b) (c) of IT Act and u/s. 11 (iv) r/w 12 of the POCSO Act are charged against the accused No.1 and 2. It is seen that PW1 was cross examined in detail by the learned counsel appearing for the 1st accused. The specific reason for recalling and re-examining PW1 is not stated in the petition so as to determine whether it is essential for the just decision of the case. Moreover, s.33(5) of POCSO Act states that the Special Court shall ensure that the victim is not called repeatedly to testify in the court. So I am not inclined to allow this petition.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in the open Court on 25<sup>th</sup> day of October, 2025.

Sd/-  
MANJU. V  
Special Judge (Full Addl.Charge)

// True Copy //

Special Judge  
(Full Addl.Charge)

Copied by: Shaji.K  
Compared by:

COPY OF ORDER  
IN  
Crl.M.P.No,10/25  
IN  
SC. 473/2022  
Dtd. 25.10.2025