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REPORT
EXPERIENCE SHARING AND REVIEW MEETING
FOR POCSO JUDGES, JJB MAGISTRATES, SPECIAL PUBLIC
PROSECUTORS, POLICE OFFICIALS AND LEGAL-CUM-PROBATION
OFFICERS
3rd October 2021

TAMIL NADU STATE JUDICIAL ACADEMY, CHENNAI
in association with UNIEF conducted
Experience Sharing and Review Meeting
(For POCSO Judges, JJB Magistrates, Special Public
Prosecutors, Police Officials and Legal-cum-Probation Officers)
Held on 3rd October 2021 at TNSJA, Headquarters, Chennai



CONCEPT NOTE

Concept Note

In the light of rapid advancements in the legal and judicial field, skills tend to get outdated very fast, thus requiring peer to peer learning, which helps in the identification of knowledge gaps, discovery of best practices, and easy retention of knowledge.

This programme is designed with the objective of engaging in a collective knowledge-building exercise, and collaboratively enhance the knowledge of the various stakeholders and participants dealing with POCSO Act, through an experience-sharing and skill-strengthening sessions.

This programme is intended to converge the best practices and experiences of various Presiding Officers of POCSO Court, Principal Magistrates of Juvenile Justice Board, Police Officers, & Probation Officers. This programme would result in a consolidation of preventive measures and action plans.

This programme manifests to collaboratively enhance the skill and understanding of POCSO cases succinctly, pertaining to the areas of effective and speedy disbursement of compensation fund, proper investigation, importance of study of socio-economic background of the victim and accused, for proper sentencing.

This programme would provide an ambient environment for collaborative form of peer learning. Participants are expected to share their success stories and best practices followed in their respective jurisdictions, which would motivate and inspire fellow judicial officers to imbibe and implement such experiences in their work. Participants can expect to develop ideas and solutions to the challenges they face and gain a wholesome picture of the practical aspects involved in implementing the POCSO Act.

On the occasion of the programme, a study material would be released which would help all the stakeholders as a guide for proper investigation, effective prosecution and fair trial.

UNICEF

Experience Sharing and Review Meeting

(for POCSO Judges, JJB Magistrates, Special Public Prosecutors, Police Officials and Legal-cum-Probation Officers)

on 03.10.2021 at TNSJA, Headquarters, Chennai

10.00 a.m. – 10.10 a.m.	<p>Welcome Address and Scope and Object of the Programme</p> <p>Mr. D. LINGESWARAN, Director, Tamil Nadu State Judicial Academy</p>
10.10 a.m. – 10.15 a.m.	<p>Introductory Address</p> <p>Mr. G. KUMARESAN, Social Policy Specialist, UNICEF</p>
10.15 a.m. – 11.00 a.m.	<p>Effective and Speedy Disbursal of Victim Compensation Fund</p> <p>Mrs. S. VALARMATHI I.A.S., Director, Department of Social Defence</p>
11.00 a.m. – 11.15 a.m.	<p>Tea Break</p>
11.15 a.m. – 01.00 p.m.	<p>Sharing of experiences and best practices</p> <p>Moderator: Mr. D. LINGESWARAN, Director, TNSJA</p> <p>Speakers:</p> <p>Police Officials</p> <p>Mrs. PARIPOORANAM, AWPS Inspr, Gumidipoondi Ms. KANNAGI, AWPS Inspr, Madhavaram Mr. S. ARUMUGASAMY, Principal & Superintendent of Police, Police Training College</p> <p>Special Public Prosecutors</p> <p>Mrs. T.G. KAVITHA, Special Public Prosecutor Special Court for POCSO Act, Chennai Mrs. P. KALA, Special Public Prosecutor Special Court for POCSO Act, Villupuram</p> <p>Presiding Officers of POCSO Court</p> <p>Ms. M. RAJALAKSHMI, Sessions Judge, Special Court for POCSO Act, Chennai Ms. M. EZHILARASI, Sessions Judge, Special Court for POCSO Act, Cuddalore Ms. J. TAMILARASI, Sessions Judge, Special Court for POCSO Act, Nagapattinam</p>
01.00 p.m. – 02.00 p.m.	<p>Lunch Break</p>
02.00 p.m. – 03.30 p.m.	<p>Proper Investigation, Effective Prosecution and Fair Trial in cases under POCSO Act, 2012</p> <p>Mr. E.V.CHANDRU @ E. CHANDRASEKARAN, Advocate, High Court of Madras</p>
03.30 p.m. – 03.45 p.m.	<p>Tea Break</p>

03.45 p.m. – 05.00 p.m.	Open House Discussion on “The importance of background study of the Victim and Accused under POCSO cases” Moderators: Mr. D. LINGESWARAN , Director, TNSJA Mr. E.V.CHANDRU @ E. CHANDRASEKARAN , Advocate, High Court of Madras
05.00 p.m.	Vote of Thanks Mr. R.A.S. ANANDARAJ , Deputy Director, TNSJA Headquarters, Chennai

EVENT REPORT

The experience sharing and review meeting for POCSO Judges, JJB Magistrates, Special Public Prosecutors, Police Officials and Legal-cum-Probation officers of the districts of Chengalpattu, Chennai, Cuddalore, Kancheepuram, Krishnagiri, Nagapattinam, Thanjavur, Tiruvallur, Tiruvannamalai, Tiruvarur, Vellore, Villupuram, Union Territory of Puducherry and Karaikal was held by the Tamilnadu State Judicial Academy, Headquarters, Chennai, on 3rd October 2021.

The welcome address was delivered by Mr. D. Lingeswaran, Director, TNSJA. He warmly welcomed the august gathering to share their



experiences and best practices adopted by them for the smooth functioning and working in unison of different stakeholders under the Protection of Children from Sexual Offences Act 2012. He also extended his warm greetings to the resource

persons - Mrs. S. Valarmathi I.A.S., Director, Department of Social Defence, Mr. E. V. Chandru @ E. V. Chandrasekaran, Advocate, High Court of Madras and Mr. G. Kumaresan, Social Policy Specialist, UNICEF. He spoke about the need to be updated on the rapid advancements in the Legal and Judicial field as they tend to get out-dated very fast. He spoke about the need for peer learning which helps in the identification of knowledge gaps, discovery of best practices and easy retention of knowledge.

The introductory address for the session was delivered by Mr. G. Kumaresan, Social Policy Specialist, UNICEF. He threw light on various aspects such as rights of children, participation of children in the



Juvenile Justice System, etc. He also reiterated that, no single stakeholder can make an impact, but being united can have a far reaching positive result. He also spoke about how this experience sharing and review meeting is one of its kind where for the first time 5 stakeholders have come together to share their experiences and hardships if any to work more efficiently and protect the children. His speech revolved around the key shades of multi-sectorial responses, accountability, child rights, child protection, prevention, collective action and response action. He appealed the need for the strategic partnership amongst the stakeholders. He assured the support of UNICEF in all the endeavours to protect child rights by emphasizing 'individual social responsibility' and 'best interest of the child'.

Mrs. S. Valarmathi IAS, Director, Dept. Social Defence, talked about the need to have an effective and speedy disbursement of victim compensation fund mechanism cutting across all the formalities. She discussed with the participants, understood their concerns and re-assured



that collectively everybody can come together and make the system more potent in disbursing compensation without any procedural anomalies affecting the victims who genuinely rely on such interim compensations. Several questions were put forth by the participants which were answered by the resource person.

After a short tea break, the next session was on sharing of experiences and best practices which was moderated by Mr. D. Lingeswaran, Director, TNSJA and Mr. E. V. Chandru, Advocate, High Court of Madras.

This session was about sharing personal experiences and best practices

that are followed by different stakeholders for effective functioning of their duties.



Firstly, the police officials spoke about their experiences and best practices that are adopted by them as a stakeholder under the POCSO Act and JJ Act. Mrs.

Paripooranam, Inspector of AWPS, Gummidipoondi expressed her concerns in dealing with POCSO Victims. She also spoke about her experiences and various methods adopted by her in dealing with POCSO related cases.



Ms. Kannagi, Inspector of AWPS, Madhavaram expressed her concerns about how they are facing non-cooperation from victims and their parents in numerous cases.

Mr. S. Arumugasamy, Principal & Superintendent of Police, Police Training College, mooted on the point that documentation plays an important part in the Proper Investigation, Effective Prosecution and Fair Trial in cases. He shared his experience in a case where medical treatment was denied to a victim under POCSO Act because there was no requisition from the Court. He spoke about the lack of awareness of the POCSO Act in the hospitals.



Secondly, the Special Public Prosecutors shared their experiences and concerns. Mrs. T.G. Kavitha, Special Public Prosecutor, Special Court for POCSO Act, Chennai, gave a summary about how Effective Prosecution can be conducted by highlighting three key areas wherein vigil has to be maintained by prosecutors i.e.,



foundational facts, commissions of offence, and medical evidence. She also spoke about a recent judgement of Madras High Court which discussed the necessity of paternity test in POCSO cases.



Mrs. P. Kala, Special Public Prosecutor, Special Court for POCSO Act, Villupuram, gave emphasis about examination of witness and how critical it is in POCSO Cases. She emphasized that, victim should not be harassed in any manner.



Thirdly, the Presiding Officers of POCSO Courts shared their experiences and concerns. Ms. M. Rajalakshmi, Sessions Judge, Special Court for POCSO Act, Chennai, spoke about how negative social attitudes prevent the child from reporting sexual abuse to their family. She also gave instances of ill treatment of the victim by her family, where the victim would have had more than one partner different from the accused prior of the offence being committed. She shared about her practice of continuous trial and giving conditional bail to the accused, which has resulted in effective and speedy disposal of POCSO cases.



Ms. M. Ezhilarasi, Sessions Judge, Special Court for POCSO Act, Cuddalore, spoke about the practice of using coloured dockets in courts to differentiate each case based on the age of the victim child. She also

spoke about the advantage of continuous trial, fixation of trial proceeding and framing of charges.



Ms. J. Tamilarasi, Sessions Judge, Special Court for POCSO Act, Nagapattinam, spoke about the practice of using coloured dockets for different types of cases. She discussed giving unique

names and titles to the case after reading the remand and FIR papers. She spoke about making notes in the FIR docket sheet about the medical examination, potency test, S. 164 Statement, arrest of accused, the evidences that are not filed, for quick reference. She emphasised how these practices saves a lot of time for judges. She also threw light about awarding interim compensation where necessary. She highlighted about noting down the dates and deadlines which helps in monitoring the progress of the case. Regarding bail she shared her practice of making the accused sign twice every month in a police station till the

summons is served. She also highlighted that if the charge sheet is submitted in advance it can be reviewed by the judge, thus avoiding the need for issuing memo or retuning the charge sheet. She stated that she always tries to build a rapport with the victim child so that the child feels comfortable to tell the truth. She emphasised that, competence of the witness also depends on the child friendly atmosphere in the Court.

After lunch break, the next session was handled by Mr. E. V. Chandru, Advocate, High Court of Madras. Building upon the premise of 'investigation', defined in Section 2(h) of CrPC and 'judicial proceeding', defined in Section 2(i) of CrPC, he explained the concept and scope of fair trial and investigation. He quoted Jeremy Bentham who said "Witnesses are eyes and ears of the Court". Discussing on Sec. 173 of CrPC, 'Report of police officer on completion of investigation' he emphasized S. 173(8) that, nothing in this Section shall be deemed to preclude further investigation in respect of an offence after a report has been forwarded to the Magistrate and whereupon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report regarding such evidence. He gave an overview about the offences and punishments mentioned under the POCSO Act, 2012. He emphasised

that Procedure under POCSO Act has more weightage than CrPC in POCSO cases. He explained that while Judges have immunity in discharge of their duties, the police do



not, as under Sections 166, 166A, IPC, they are held accountable for disobedience of law. Similarly, on a conjoint reading of Section 166B, IPC; Section 357C, CrPC and Rule 6 r/w Section 27, POCSO Act, doctor is liable for not conducting medical examination. He also cited a plethora of case laws that are relevant to proper investigation, effective prosecution and fair trial. He cited Vinay Thyagi Vs. Irshad Ali (2013) 5 SCC 762 wherein it was held that, "Magistrate cannot order De novo investigation". He explained about the concept of 'protest' its evolution by citing the landmark decision of Vishnu Kumar Tiwari Vs. State of UP AIR 2019 SC 3482. Further, he cited Madan Gopal Kakkad Vs. Naval Dubey (1992) 3 SCC 204, wherein it was held that, "Rape is not a medical condition but a crime." He also covered the important areas that are underlined under the Identification of Prisoners Act, 1920.

Lastly, an Open House discussion on "The importance of background study of the Victim and Accused under POCSO cases" was opened to the floor for discussion wherein the session was moderated by Mr. D. Lingeswaran, Director, TNSJA and Mr. E. V. Chandru @ E. Chandrasekaran, Advocate, High Court of Madras. The session began with the discussion of Probation of Offenders Act, 1958, delving into mercy jurisprudence (emphasizing upon the concept of residual doubt (In post-conviction stage), reasonable doubt, mitigating and aggravating circumstances, incriminating and extraneous circumstances, persuasive and determinate sentence) and how nature of crime is relevant to



apply mercy jurisprudence. Mr. E. V. Chandru discussed the case of Ashok Debbarma @ Achak Debbarma Vs State Of Tripura (March 2014) wherein the concept of residual doubt was considered. Lastly he also highlighted about 'probate' and its importance.

Mr. V. Neppolian, Legal cum - Probation Officer, Villupuram, spoke about the main channels of their operation and how cautiously they deal with the children who come to Child Welfare Committee.



Ms. D. Sangeetha, Legal cum - Probation Officer, Thiruvallur, spoke about their concerns working in the field of Child Welfare.

Dr. Rachana Singh, Superintendent of Police (East), Puducherry, spoke about the importance of video recording in cases where there are issues of language translation. The session ended with the discussion on a line of thought adopted by the South African Constitution Courts in





the case of Teddy Bear Clinic for Abused Children and Another v. Minister of Justice and Constitutional Development and Another CCT 12/13) [2013] ZACC 35.

The programme concluded with Mr. R.A.S. ANANDARAJ, Deputy Director, TNSJA Headquarters, Chennai proposing the vote of thanks by thanking every participant and resource person for attending the programme and making it a grand success.

Experience Sharing and Review Meeting

*(for POCSO Judges, JJB Magistrates, Special Public Prosecutors, Police Officials and
Legal-cum-Probation Officers)*

on 03.10.2021 at TNSJA, Headquarters, Chennai,

List of Participants

I. RESOURCE PERSONS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
1.	S. VALARMATHI, I.A.S., Director, Department of Social Defence
2.	S. ARUMUGASAMY, Principal & Superintendent of Police, Police Training College
3.	E.V.CHANDRU @ E. CHANDRASEKARAN, Advocate, High Court of Madras

II. TNSJA DIRECTORS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
4.	D. LINGESWARAN, Director, TNSJA
5.	R.A.S. ANANDARAJ, Deputy Director, TNSJA
6.	D. SHOBA DEVI, Assistant Director, TNSJA

III. PRESIDING OFFICERS OF POCSO COURTS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
7.	M. SHANTHI , District Judge, Tiruvarur
8.	V.R. LATHA, Sessions Judge, Magalir Neethi Mandram (FTMC) Krishnagiri
9.	G. SUBATHIRA DEVI, Sessions Judge, Magalir Neethi Mandram (FTMC) Tiruvallur
10.	R.K.P. TAMILARASI, Sessions Judge, Special Court for POCSO Act, Chengalpattu
11.	R. SHANKAR, Sessions Judge, Magalir Neethi Mandram (FTMC) Tiruvannamalai
12.	M. RAJALAKSHMI, Sessions Judge, Special Court for POCSO Act, Chennai
13.	M. EZHILARASI, Sessions Judge, Special Court for POCSO Act, Cuddalore
14.	J. TAMILARASI, Sessions Judge, Special Court for POCSO Act, Nagapattinam

III. PRESIDING OFFICERS OF POCSO COURTS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
15.	S. SHUNMUGAVEL, Addl. District Judge and Presiding Officer Special Court under EC Act, Thanjavur
16.	G.M. VASANTHI, Sessions Judge, Special Court for POCSO Act, Tiruvannamalai
17.	S. MUTHUKUMARAVEL, Sessions Judge, Special Court for POCSO Act , Villupuram
18.	C. KALAIPONNI, Sessions Judge, Special Court for POCSO Act, Vellore
19.	K. ALLI, Judge, Family Court, Karaikal

IV. PRINCIPAL MAGISTRATES OF JUVENILE JUSTICE BOARDS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
20.	P. SUNDARARAJAN , XII Metropolitan Magistrate, Egmore
21.	K. ARUN KUMAR , Judicial Magistrate I, Villupuram
22.	R. SENTHIL KUMAR-I, Judicial Magistrate I, Kancheepuram
23.	T. MUGIZHAMBIGAI, Judicial Magistrate I, Vellore
24.	K. RAJESH KANNAN , District Munsif, , Thiruthuraipoondi
25.	D. KAVIARASAN, Judicial Magistrate I, Tiruvannamalai
26.	S. SENTHIL BABU, Judicial Magistrate I, Krishnagiri
27.	G. CHRISTIAN, Principal District Munsif, Pondicherry
28.	V. RADIKA, Judicial Magistrate I, Tiruvallur
29.	G. RAGOTHAMAN, Judicial Magistrate III, Cuddalore
30.	N. PREETHI , Judicial Magistrate I, Pondicherry
31.	C. BHARATHI, Judicial Magistrate III, Thanjavur

V. JUDICIAL OFFICER	
S. No.	Name and Designation (Ms.)
32.	N. ALICIA, Assistant Sessions Judge, Additional Special Court for trial of criminal cases related to elected members of Parliament and members of Legislative Assembly of Tamil Nadu, Chennai

VI. OFFICIALS FROM DIRECTORATE OF PROSECUTION, TAMILNADU	
S. No.	Name and Designation (Mr./Ms./Mrs.)
33.	D. GOPINATH, Deputy Director of Prosecution, Chennai
34.	RAJENDRAN GAYATHIRI, Assistant Director of Prosecution, Alandur
35.	R. MANIMEKALAI , Deputy Director of Prosecution, Vellore
36.	Y. AMJATH ALI, Deputy Director of Prosecution, Cuddalore
37.	T.G. KAVITHA, Special Public Prosecutor, Special Court for POCSO, Act, Chennai
38.	T. KALASELVI, Special Public Prosecutor, Special Court for POCSO Act, Cuddalore
39.	N. BHUVANESWARI, Special Public Prosecutor, Special Court for POCSO Act, Kancheepuram @ Chengalpattu
40.	S. JENCY, Special Public Prosecutor, Special Court for POCSO Act, Nagapattinam
41.	S. MYTHILI, Special Public Prosecutor, Special Court for POCSO Act, Tiruvannamalai
42.	S. SASIREKHA, Special Public Prosecutor, Special Court for POCSO Act, Thanjavur
43.	M. SANTHIYA, Special Public Prosecutor, Special Court for POCSO Act, Vellore
44.	P. KALA, Special Public Prosecutor, Special Court for POCSO Act, Villupuram

VII. SPECIAL PUBLIC PROSECUTORS, PUDUCHERRY AND KARAIKAL	
S. No.	Name and Designation (Mr./Ms./Mrs.)
45.	J. SENTHIL RAGHAVAN, Special Public Prosecutor, Karaikal

VIII. POLICE OFFICIALS FROM TAMILNADU	
S. No.	Name and Designation (Mr./Ms./Mrs.)
46.	C. SHYAMALA DEVI, DC, CWC, Chennai
47.	R. DURAI, ACP, ANTI DOWRY CELL, GCP
48.	AROKKIAM, ADC, East, Chennai City
49.	KUMAR, ADC, South, Chennai City
50.	JAYARAMAN, ADSP, Kancheepuram
51.	PONRAM, ADSP, Chengalpattu
52.	MEENAKSHI, ADSP, Thiruvallur

VIII. POLICE OFFICIALS FROM TAMILNADU	
S. No.	Name and Designation (Mr./Ms./Mrs.)
53.	RAVICHANDRAN, DSP, CWC, Vellore & Thirupathur
54.	S. RAJAKALEESWARAN, ADSP, Thiruvannamalai
55.	DEVARAJ, ADSP, CWC, Villupuram
56.	VIJEYA KARTHIK RAJ, ADSP, CWC, Kallakurichi
57.	V. RAJU, ADSP, CWC, Krishnagiri
58.	RAJKUMAR, DSP, CWC, Thanjavur
59.	L. KANIMOZHI, Inspector of Police, AWPS/ Tiruvarur
60.	RAMU, ADSP, CWC, Nagapattinam
61.	THANGAVELU, ADSP, CCW, Mayiladuthurai
62.	PARIPOORANAM, AWPS Inspr., Gumidipoondi, Thiruvallur
63.	SAVITHRI, AWPS Inspr., Hosur, Krishnagiri
64.	KAVITHA, AWPS Inspr., Villupuram
65.	KANNAKI, AWPS Inspr., Madhavaram, Chennai City
66.	JAYALAKSHMI, WSI

IX. POLICE OFFICIALS FROM PONDICHERRY	
S. No.	Name and Designation (Mr./Ms./Mrs.)
67.	RACHANA SINGH, PPS., Superintendent of Police (East), Puducherry
68.	AGALYA, Sub-Inspector of Police, All Women PS, Villianur, Puducherry

X. OFFICAL FROM THE DEPARTMENT OF SOCIAL DEFENCE	
S. No.	Name and Designation (Mr.)
69.	RAJ SARAVANA KUMAR, Joint Director

XI. LEGAL-CUM-PROBATION OFFICERS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
70.	THANGAREKHA, Chennai

XI. LEGAL-CUM-PROBATION OFFICERS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
71.	J. SENTHIL, Cuddalore
72.	G. DHAYALAN, Kancheepuram
73.	J. RAGHURAMAN, Krishnagiri
74.	B. AMSENDHIRAN, Nagapattinam
75.	N. BHUVANESHWARI, Thanjavur
76.	D. SANGEETHA, Thiruvallur
77.	C. SAKTHIVEL, Thiruvarur
78.	P. CHITRAPRIYA, Thiruvanamalai
79.	A. RAHAMATHUNNISA, Vellore
80.	V. NEPPOLIAN, Villupuram

XII. NODAL OFFICERS	
S. No.	Name and Designation (Mr./Ms./Mrs.)
81.	M. LATHAA, Administrative Officer, TNSJA
82.	B. WILSON, Section Officer, TNSJA

XIII. SECRETARIAT, COMMITTEE FOR EFFECTIVE IMPLEMENTATION OF JUVENILE JUSTICE ACT, MADRAS HIGH COURT	
S. No.	Name of Designation (Mr./Ms./Mrs.)
83.	V. SADASIVAM, Section Officer

XIV. RESEARCH ASSISTANTS OF TNSJA	
S. No.	Name (Mr./Ms./Mrs.)
84.	K. JITHIN GEORGE JACKSON
85.	THEJASWINI SRIKANTH
86.	K.INDULEKHA

XV. STAFF MEMBERS OF TNSJA	
S. No.	Name of Designation (Mr./Ms./Mrs.)
87.	R. RAJKUMAR, Assistant Section Officer

XV. STAFF MEMBERS OF TNSJA

S. No.	Name of Designation (Mr./Ms./Mrs.)
88.	K. THIRUGNANA SAMPANTHAM, Assistant Section Officer
89.	K. KANNAN, Overseer
90.	S. RAHMATHUNNISA, Assistant
91.	S. MONISHA, Xerox Operator

MAKE ME NOT A LINA MEDINA

My Doors are open
I am out and seeing
A preying neighbour,
A Wandering Watchman,
A Racing Biker and
A School Van Driver

Tell me God!
Who Plays Demon today?

The Class is full-but
I am the one;
The Teacher's Pet
He Curls my hair and
Cuddles me often;
Is that right?

Tell me God!
Who do I Trust?

Back on Streets,
I reached his Shop
Jumping in joy,
Paid for a Choco;
He gave me two and
A smile too

Tell me God!
Is he just grooming?

Returned to the Flat
Tossed away the Bag,
Called out Mom,
Mom is not Home.
Dad is on Weed,
Room full of smoke
I search in fear!

Tell me God!
Where did you hide?
The Dancing Demon;
Is it in my Home?

....Lee



TAMIL NADU STATE JUDICIAL ACADEMY, HEADQUARTERS, CHENNAI
No. 30(95), "Malligai" P.S.K.R. Salai, Greenways Road, R. A. Puram, Chennai - 600028
Website: www.tnsja.tn.gov.in E-Mail: tnsja.tn@nic.in / tnsja.tn@gmail.com

REGIONAL CENTRE COIMBATORE
No. 251, Scheme Road, Race Course,
Coimbatore - 641018

REGIONAL CENTRE MADURAI
Alagar Koil Road, K. Pudur
Madurai - 625002