



WEB COPY

CRL RC No. 442 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.RC No. 442 of 2026

and

Crl.M.P.No.3344 of 2026

1. Rajesh Alias Raji

2. Ajith

..Petitioner(s)

Vs

The State Rep. by
The Inspector of Police,
Thanipadi Police Station,
Thanipadi,
Tiruvannamalai District.

..Respondent(s)

Prayer: This criminal revision petition is filed under Section 438 & 442 of BNSS calling for the records and set aside the order dated 04.12.2025 made in Cr.M.P.No.1144 of 2025 in Spl.S.C.No.29/2022 passed by the Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai.

For Petitioner(s): Mr.B.Jawahar

For Respondent(s): Mr.R.Vinothraja,
Government Advocate (Crl.Side)

ORDER

The revision challenges the dismissal of petitioner's application filed under Section 233(3) of Cr.P.C. to issue summons to one Tamilarasi, who is the wife of A3, to depose in favour of the defendants.



2. The learned Special Judge had dismissed the said petition on the ground that the accused were given an opportunity to examine defence witnesses on 20.07.2025; that the counsel for all the accused had endorsed that there were no defence witnesses; that thereafter, the third accused filed an application under Section 233 of Cr.P.C. to examine his wife as defence witness and did not press the said petition; that A1 and A2 also made an endorsement that there are no other defence witnesses and the case was posted for arguments on 05.08.2025; that the prosecution had advanced their arguments on 13.10.2025; that the defence had argued on 15.10.2025; and that when the matter was reserved for judgment, the instant petition was filed and therefore, it was only to protract the proceedings.

3. The learned counsel for the petitioner submits that since the petitioners are facing trial for a serious offence, one opportunity may be given to examine the defence witness and also submits that any flaw or irregularity committed by the defence counsel, should not cause prejudice the right of the accused.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

5. On a perusal of the impugned order, this Court finds that several opportunities were afforded to the petitioners to examine the witnesses and the



petitioners have not availed of the said opportunities. In fact, A3 had earlier filed an application, to examine his wife as defence witness and has made an endorsement in the said petition as not pressed. The petitioners, who are arrayed as A1 and A2, have now come up with the very same prayer to examine the wife of A3 after the arguments on both sides were completed. Now the case is posted for judgment. This Court is of the view that, the above attempt made by the petitioners is only to protract the trial proceedings. Therefore, this Court is not inclined to entertain this revision. Accordingly, the criminal revision petition is dismissed as there is no infirmity in the impugned order. Consequently, connected miscellaneous petition stands closed.

25-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
rap

To

1. The Inspector of Police,
Thanipadi Police Station,
Thanipadi,
Tiruvannamalai District.

2. The Special Court for Exclusive Trial of cases under POCSO Act,
Tiruvannamalai.

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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