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CRL OP No. 5343 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5343 of 2026 &
CRL MP No.4043 of 2026**

Nandhakumar

..Petitioner

Vs

The State rep by The Inspector of Police
W-6, All Women Police Station,
Chennai -600010

..Respondent

To set aside the order dated 21.01.2026 passed in Crl.MP.No.21 of 2026 in Spl.SC No.185 of 2021 on the file of the learned Special Court for Exclusive Trial of Cases Under Posco Act, Chennai and pass such other orders.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

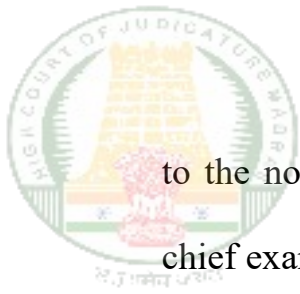
The petitioner/accused, who is facing trial in Spl.S.C.No.185 of 2021 for offences under Sections 354 and 354(A) IPC and Section 9(1)(n) read with Section 10 of the POCSO Act, 2012, filed Crl.M.P.No.21 of 2026 under Section 311 Cr.P.C. The trial court, by order dated 21.01.2026, dismissed the said petition. Aggrieved thereby, the present petition has been filed.



2. The contention of the petitioner is that he is a physically challenged person, disabled in both legs and one hand. The defacto complainant and the victim are none other than his estranged wife and daughter. It is his case that due to matrimonial disputes, false allegations have been made against him, imputing abuse and improper conduct towards his daughter. The petitioner submits that due to his disability, he could not give proper instructions at the relevant time to his erstwhile counsel. Thereafter, a new counsel was engaged. However, he could not secure the case bundle immediately. Only after receiving the case bundle by the new counsel, he filed the above petition seeking to cross-examine the witnesses under Section 311 Cr.P.C. The petitioner undertakes to cross-examine the witnesses on the same day without seeking adjournment.

3. The learned Additional Public Prosecutor does not dispute the fact that the petitioner is physically challenged and that PW3 and PW4 are his estranged wife and daughter. He, however, submits that since the case arises under the POCSO Act, the petitioner ought to have engaged proper counsel and conducted the case without delay.

4. Considering the submissions and the materials placed, it is noted that the petitioner is a physically challenged person. PW1 is the doctor, PW2 is the Seizure Mahazar Witness, PW3 is the mother of the victim, and PW4 is the victim herself, and both PW3 & PW4 are residing in Chennai. It is also brought



to the notice of this Court that PW5, the Investigating Officer, has completed chief examination and cross-examination.

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5. In view of the above circumstances, this Court is of the opinion that an opportunity ought to be granted to the petitioner to cross-examine PW1 to PW5. Accordingly, the trial court is directed to recall PW1 to PW5 for cross-examination. It is made clear that the petitioner shall cross-examine the witnesses as and when they appear, without causing any delay or seeking further adjournment.

6. With the above directions, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

11-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Inspector of Police

W-6, All Women Police Station, Chennai -600010

2. The Sessions Judge,

Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai.

3. The Public Prosecutor,

Madras High Court, Chennai.0



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M.NIRMAL KUMAR, J.

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