



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19039 of 2026

Venkatesan
S/o. Subramani,
Kalikagapuram Village,
Elathur Madhura,
Kalasapakkam Taluk,
Tiruvannamalai District.

..Petitioner(s)

Vs

The State Rep.by Inspector of Police
Kalasapakkam Police Station.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of BNSS, praying to set aside the partly dismissed to recall PW1 to PW3 order dated 20-2-2026 passed by the Learned Sessions Judge, Special Court (POCSO Cases) Tiruvannamalai in CrI MP No.1324/2025 in SPL SC No.119/2023 and permit the petitioner to reopen and recall the prosecution witnesses PW1 to PW3 and cross examine in the interest of justice and thus render justice.

For Petitioner(s):

Mr.T.K.Ramesh

For Respondent(s):

Mr.R.Rajasekaran

Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to set aside the order dated 20.02.2026 passed in CRL.MP.No.1324 of 2025 in SPL.SC.No.119 of 2023,



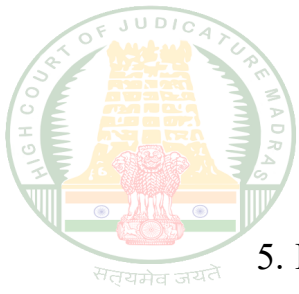
whereby the Trial Court dismissed the petitioner's application to recall PW1 to PW3 for the purpose of cross-examination.

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2. In the present case, PW1 is the victim child. Ordinarily, this Court would not permit the recall of the victim child for further cross-examination, having regard to the object and spirit of the POCSO Act. However, the distinguishing feature in the present case is that accused No.1 had earlier filed an application seeking recall of the very same witnesses, which was allowed by this Court in CRL.O.P.No.9247 of 2026, by order dated 15.04.2026.

3. In view of the above, since PW1 to PW3 are already required to appear before the Trial Court for the purpose of cross-examination at the instance of Accused No.1, this Court is of the view that a similar opportunity can also be extended to the present petitioner. It is seen that while allowing the petition filed by accused No.1, this Court had imposed a cost of Rs.2000/- per witness. Accordingly, the present petitioner shall also pay a sum of Rs.2,000/- each to PW1, PW2 and PW3 and complete the cross-examination on the very same day on which the witnesses are produced before the Court.

4. It is made clear that PW1, being the victim child, shall not be subjected to repeated appearances before the Court, as the primary object of the POCSO Act is to protect the child from further trauma and facilitate the healing process.



5. For the foregoing reasons, this Criminal original petition is allowed on the following terms:

(i) The order dated 20.02.2026 passed in CRL.MP.No.1324 of 2025 in SPL.SC.No.119 of 2023 is set aside.

(ii) The trial Court shall recall PW1 to PW3.

(iii) Both the present petitioner and Accused No.1 shall complete their cross-examination of PW1 to PW3 on the same day when the witnesses are produced before the Trial Court.

(iv) the petitioner shall deposit the cost of Rs.2,000/- each to PW1, PW2 and PW3 within five (5) working days from the date of receipt of the web copy of this order.

(v) In the event of failure to deposit the cost within the stipulated time, this Criminal original Petition shall stand dismissed automatically without any further reference to this Court.

20-07-2026

Neutral Citation: Yes/No

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To

1. The learned Sessions Judge,
Special Court (POCSO Cases) Tiruvannamalai.
2. The Inspector of Police
Kalasapakkam Police Station.
3. The Public Prosecutor,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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