



WEB COPY

CRL OP No. 16111 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16111 of 2026

AND

CRL MP NO. 10608 OF 2026

S.Shri Varshini
D/o. Sasikumar,
No.19/3, Marappan Pillai Street,
Palakkad, Pollachi.
Coimbatore District.

..Petitioner(s)

Vs

The State Rep by
Inspector of Police,
Pollachi West Police Station,
Coimbatore District.
(Crime No.152 of 2022)

..Respondent(s)

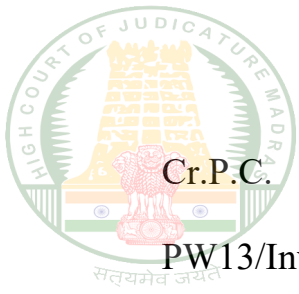
Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to set aside the order dated 03.06.2026 made in CrI.M.P.No.211 of 2026 in J.C.No.113 of 2022 on the file of Hon'ble Juvenile Justice Board, Coimbatore.

For Petitioner(s): Ms.S.Gayathri
for Mr.B.Mohan

For Respondent(s): Mr.A.Amarnath
Government Advocate (Crl. Side)

ORDER

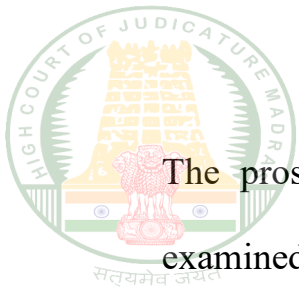
The petitioner/accused, who is facing trial in J.C.No.113 of 2022 before the Juvenile Justice Board, Coimbatore, had filed a petition under Section 311



Cr.P.C. in Crl.M.P.No.211 of 2026 to recall and cross-examine PW13/Investigating Officer. The Juvenile Justice Board, by order dated 03.06.2026, dismissed the same, against which, the present petition is filed.

2. The contention of the petitioner is that in this case, so far, 13 witnesses examined. Except PW13, the Investigating Officer, all the witnesses cross-examined. By the time, the petitioner was unable to collect all the deposition copies, which were necessary to put forth the investigating officer with the omissions, contradictions and flaws in the investigation. Since it took some time to collect documents, the petitioner was unable to cross-examine PW13 on that day. Thereafter, on completion of investigation, on 03.06.2026, the petitioner was questioned and also filed this petition, which was dismissed by the trial Court relying upon the decisions of Hon'ble Apex Court in *Vinoth Kumar vs. State of Punjab* and *A.G. vs. Shiv Kumar Yadav*. The said reliance is not proper for the reason that in this case, the petitioner is facing enquiry before the Juvenile Justice Board, which is not a regular Criminal Court. Hence, citing the decisions in cases under the Prevention of Corruption Act and other I.P.C. cases and denying the petitioner's right of cross-examination is not proper. Further, PW13 is none other than the Investigating Officer, who is very much available for cross-examination.

3. The learned Government Advocate (Criminal Side) fairly submitted that in this case, the petitioner cross-examined all the witnesses except PW13.



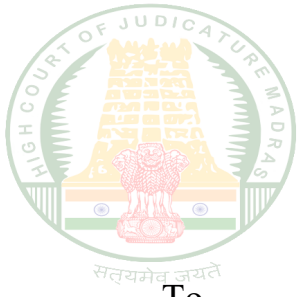
The prosecution closed the evidence on 27.05.2026, the petitioner/accused examined on 03.06.2026 and thereafter filed this petition. The learned Government Advocate, on instructions, submitted that PW13 is very much available and she can appear before the Juvenile Justice Board to subject herself for cross-examination.

4. It is seen that in this case, except PW13, all other witnesses cross-examined. The evidence of witnesses will be complete only when their evidence is tested by cross-examination and it would be beneficial for the trial Court to arrive at a just decision. Denial of cross-examination would amount to denial of a fair trial. In view of the same, the impugned order dated 03.06.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Coimbatore in Crl.M.P.No.211 of 2026 in J.C.No.113 of 2022 is set aside. The Juvenile Justice Board shall recall the witness, namely, PW13 for the purpose of cross-examination, at the earliest.

5. With the above directions, the Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

25-06-2026

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



CRL OP No. 16111 of 2



M.NIRMAL KUMAR J.

RSI

To
WEB COPY

1.The Principal Magistrate,
Juvenile Justice Board, Coimbatore.

2.The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

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