



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16195 of 2026

D.Velu
S/o. Duraisamy,
No.5/5, Mariyamman Koil Street,
Gengasanikuppam Village,
K.V. Kuppam Taluk,
Vellore, Vellore District.

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
Katpadi All Women Police Station,
Vellore District.
(Crime No.21 of 2024)

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the entire records in pursuant to the Crl.M.P.No.105 of 2026 in SPL.S.C.No.104 of 2024 on the file of the Special Judge for Exclusive Trial of Cases under POCSO Act 2012, Vellore, Vellore District vide order dated 18-02-2026 and set aside the same, consequently permit the petitioner to pay the cost and to cross examine the PW8.

For Petitioner(s): Mr.M.Sathish Kumar

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



ORDER

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The petitioner/accused, facing trial for offence under Section 87 of BNS, 2023, Section 5(m) and 6(1) of Protection of Child from Sexual Offences Act, 2012, had filed a petition under Section 311 of Cr.P.C. to recall PW8/Investigating Officer for cross-examination, which was dismissed by the trial Court, against which, the present petition is filed.

2. The learned counsel for petitioner submitted that the petitioner cross-examined the witnesses without any delay, except the Investigating Officer. Since, in this case medical evidence not spoken to by any Doctor, hence, awaiting for Doctor's evidence, the petitioner not cross-examined. But the trial Court not accepted the same. Hence, the petitioner filed recall petition and the trial Court allowed the petition, directing the petitioner to pay a cost of Rs.5,000/- to District Legal Services Authority on or before 26.02.2026. Since the petitioner failed to make the payment, the petition was dismissed on 27.02.2026.

3. The learned counsel for petitioner further submitted that the case is in the midst of trial, it is now posted for examination of the Doctor. He further submitted that PW8/Investigating Officer is very much in service and she is also available in Thiruvannamalai. Hence, there will not be much delay or difficulty for PW8 to appear before the Court.



4. The learned Government Advocate (Criminal Side) submitted that PW8 is serving in EOW in Thiruvannamalai and she is very much available and the case is now in the midst of trial for examination of the Doctor.

5. On the submissions made and on perusal of the materials, it is seen that the petitioner earlier granted permission to recall PW8, on condition to deposit the amount of Rs.5,000/- to District Legal Services Authority, which the petitioner failed to comply and the recall petition was dismissed. Now the petitioner ready to deposit the cost of Rs.5,000/- to District Legal Services Authority within a period of two weeks. Further, on perusal of the evidence of PW8, it is seen that PW8 played a major role in the investigation, registration of case, arrest of the accused, examination of witnesses, collecting documents and filing alternative report and charge sheet. In view of the same, the examination of PW8 is necessary. The trial Court shall recall the witness, namely, PW8 for the purpose of cross-examination, on payment of cost of Rs.5,000/- by the petitioner.

6. With the above directions, the Criminal Original Petition is disposed of.

25-06-2026

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



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To

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M.NIRMAL KUMAR J.

RSI

1.The Special Judge for Exclusive Trial of Cases
under POCSO Act 2012, Vellore,
Vellore District.

2.The Inspector of Police
Katpadi All Women Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

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