



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18365 of 2026

Murugan
S/o. Krishnamoorthy,
No.37, Bajanai Koil Street,
Mettuedayampatti,
Vellore.

..Petitioner(s)

Vs

The State represented by the Inspector of Police
Vellore All Women Police Station,
Vellore District.
Crime NO.43 of 2025

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 19-6-2026
made in Crl.MP No. 548 of 2026 in SPL SC No.08 of 2026 on the file of the
Learned Special Court (POCSO Court) Vellore in so far as rejecting the
Petitioner's claim to examine Prosecution Witness PW2/ Victim therein.

For Petitioner(s):

Mr.M.R.Thangavel

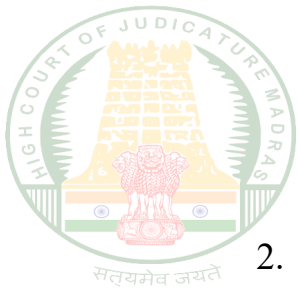
For Respondent(s):

Mr.R.Rajasekaran

Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed challenging the order dated
19.06.2026 passed in Crl.MP.No.548 of 2026 in SPL.SC.No.08 of 2026.



2. The petitioner is the sole accused facing trial for the offences punishable under Sections 332 (c), 115 (2), 75(1) (i) read with Section 75 (2) of BNS and Section 9(I) read with 10 of POSCO Act. The allegation against the petitioner is that he sexually misbehaved with the victim child on 22.11.2025.

3. It is the case of the petitioner that when the prosecution witnesses were examined, they were not cross-examined. According to the petitioner, the counsel appearing for him was attending to his ailing father, who subsequently passed away on 19.04.2026, and therefore, the witnesses could not be cross-examined.

4. The learned counsel for the petitioner submitted that the victim child (P.W.2) was examined on 10.04.2026, when the father of the learned counsel was seriously ill. Owing to the said circumstances, the junior counsel sought an adjournment. However, the trial Court recorded that there was no cross-examination. Thereafter, the petitioner filed an application to recall the witnesses. The trial Court allowed the application insofar as P.Ws.1 and 3 to 5 are concerned, but rejected the same in respect of P.W.2, the victim child.

5. The learned counsel further submitted that P.W.2 is the victim and that, if her evidence remains unchallenged, it would cause serious prejudice to the

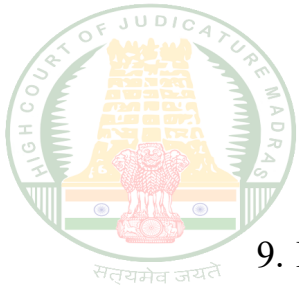


petitioner. It was contended that the petitioner had not been adopting dilatory tactics and that the failure to cross-examine the witnesses was solely due to the unfortunate circumstances faced by the learned counsel.

6. I have considered the said submissions made by the learned counsel for the petitioner and perused the materials available on record.

7. P.W.2 is the victim child. The primary object of the POCSO Act is to protect the interests of the child. Time and again, the child cannot be compelled to relive the traumatic incident, as the same would amount to secondary victimisation. Section 33(5) of the POCSO Act specifically imposes a duty on the Special Court to ensure that the child is not called repeatedly to testify before the Court. Therefore, the approach adopted by the trial Court in refusing to recall PW2 cannot be found fault with.

8. The Hon'ble Supreme Court of India in ***Shankar Kisanrao Khade Vs. State of Maharashtra***, reported in (2013) 5 SCC 546, has consistently held that proceedings under the POCSO Act must be victim-centric and that the best interests of the child should be the paramount consideration while exercising judicial discretion.



9. In view of the above, this Court finds no infirmity in the order passed by the trial Court refusing to recall P.W.2 for cross-examination. This Criminal Original Petition is devoid of merits and is, accordingly, dismissed.

14-07-2026

Neutral Citation: Yes/No

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To

1. The learned Special Court (POCSO Court), Vellore.
2. The Inspector of Police
Vellore All Women Police Station,
Vellore District.
3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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