



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 19131 of 2026
and CRL.MP.No.12739 of 2026**

S.Venkatesan

..Petitioner(s)

Vs

The State represented by the
Inspector of Police
All Women Police Station,
Vellore, Vellore District.
Crime No.26/2024

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the order passed by the Learned Special Court to deal with cases related to POCSO Act, Vellore, Vellore District in Crl MP No.613 of 2026 in SC No.108/2024 by order dated 08-07-2026 and thus render justice.

For Petitioner(s): Mr.A. Ajay

For Respondent(s): Mr.R.Rajasekaran,
Government Advocate (Crl. Side)



ORDER

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The prayer in the Criminal Original Petition is to set aside the order dated 08.07.2026 in Crl MP No.613 of 2026 in SC No.108 of 2024.

2. The petitioner is facing a case for the offence punishable under Sections 6 and 10 of the POCSO Act along with other offences. The petitioner, who was aged about 60 years, is said to have sexually assaulted the victim child, aged about 14 years. It can be seen from the records that the petitioner had originally filed Crl. MP No.255 of 2026 to recall PW1, the mother of the victim child, PW3, the father of the victim child and PW7, the Investigating Officer. Considering the facts of the case, the Trial Court allowed the application on condition that the petitioner to deposit a sum of Rs.3,000/- each to PW1 and PW3 and a sum of Rs.5,000/- for PW7. The petitioner did not deposit the costs and did not take any steps and as such, the petition came to be dismissed. Subsequently, this petition is filed on the ground that the petitioner was in prison at the relevant point of time and he has come out of the prison on 18.04.2026 and therefore, could not immediately arrange the payment within time. The Trial Court considered the matter and held that once the earlier petition was dismissed, thereafter the Trial Court has no powers to once again order the same.



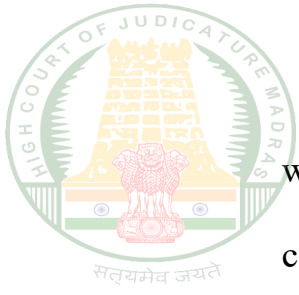
3. I have considered the arguments of the learned counsel on either side and perused the material records of the case.

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4. Considering the plea made by the learned counsel for the petitioner and in the fair interest of the case, I am of the view that an opportunity to the petitioner to cross-examine the witnesses can be granted since the witnesses do not include the victim child and it is only other witnesses. Even with reference to the same, the petitioner ought to have been diligent enough to deposit the costs in time. In any event, the higher costs is now imposed on the petitioner and the petitioner shall deposit Rs.4,000/- each to PW1 and PW3 and Rs.5,000/- to PW7 and the petitioner shall deposit the amount on or before 05.08.2026.

5. In view of the aforesaid findings, this Criminal Original Petition is allowed on the following directions:

- i) The petitioner shall deposit a sum of Rs.4,000/- (Rupees four thousand only) for PWs.1 and 3 and Rs.5,000/- (Rupees five thousand only) for PW7, on or before 05.08.2026.
- ii) On such deposit, the order dated 08.07.2026 made in Crl MP No.613 of 2026 shall stand set aside and PWs.1, 3 and 7 shall stand recalled.
- iii) The Trial Court shall recall them on a convenient date to the Trial Court and on the same day of the presence of the witnesses,



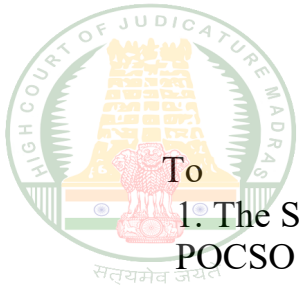
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without fail, the petitioner has to cross-examine them and complete the same. No further extension of time to pay the amount, nor any adjournment for cross-examination, will be allowed.

Consequently, connected miscellaneous petition is closed.

17-07-2026

Neutral Citation: No
PVS



To

1. The Special Court to deal with cases related to
POCSO Act, Vellore, Vellore District

2. The Inspector of Police
All Women Police Station,
Vellore, Vellore District.
Crime No.26/2024

3. The Public Prosecutor,
High Court, Madras

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D.BHARATHA CHAKRAVARTHY, J.

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