



Crl.OP(MD) No.13479 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.13479 of 2026
and Crl.MP(MD) No.13143 of 2026

Ragulraj

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
AWPS-Thiruvidaimarudhur, Thanjavur District.
Crime No. 22 /2024.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to set aside the order passed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur in Crl.M.P. No. 33 of 2026 in S.S.C. No. 114 of 2025 dt. 09.02.2026 and recall the P.W.1.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Mr.B.Arun
Government Advocate (Crl.Side)



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ORDER

The present petition has been filed by the sole accused in S.S.C.No. 114 of 2025 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur seeking to set aside the order of dismissal passed in an application filed under Section 348 of BNSS.

2.Perusal of the records reveals that the petitioner has been charged with the offence under Section 11(4), 12, 7 and 8 of the POCSO Act.

3.PW1 is the victim and she was chief examined on 17.12.2025. PW2, the father of the victim was chief examined on 21.01.2026. Both of them were not cross examined by the learned counsel appearing for the accused/petitioner. Thereafter, the present petition has been filed on 21.01.2026 seeking to recall PW1 alone for the purpose of cross examination and the said application has been dismissed by the trial Court on invoking Section 33(5) of POCSO Act. Challenging the same, the present petition has been filed.

4.According to the learned counsel appearing for the petitioner, due to Advocates' boycott on 17.12.2025, PW1 could not be cross examined. The other witnesses, who were examined after the boycott had been cross examined



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on behalf of the accused. He further submits that the victim girl has attained majority even before filing of the charge sheet and therefore, the request of the petitioner may be considered.

5.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6.Considering the reasons assigned by the petitioner and the fact that the victim girl had attained majority on 21.12.2025 itself, this Court is inclined to pass the following orders.

- a) The impugned order in Crl.M.P. No. 33 of 2026 in S.S.C. No.114 of 2025, dated 09.02.2026 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur is set aside and the petitioner shall be permitted to recall and cross examine PW1;***
- b) the petitioner shall pay bata within a period of three days from the date of receipt of copy of this order;***
- c) the petitioner is directed to cross examine PW1 on the date on which she appears;***
- d) the petitioner shall not be granted any further opportunity for cross examination of PW1.***



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4.In the above terms, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

07.07.2026

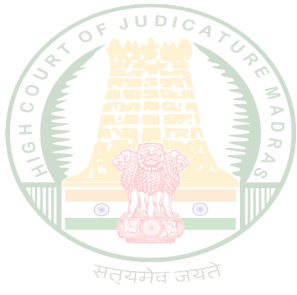
NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PNM

To

1. Principal Special Court for Exclusive Trial of Cases under
POCSO Act, Thanjavur

2.The Inspector of Police,
AWPS-Thiruvidaimarudhur, Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
Crl.OP.(MD)No.13479 of 2026
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