



Crl.OP(MD) No.14999 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.14999 of 2026
and Crl.M.P(MD) No.14552 of 2026

1. Devarsamy

2. Jakkammal

3. Suruliyandi

... Petitioners

Vs

The State of Tamilnadu Rep
By the Inspector of Police,
AWPS-Bodinayakkanur, Police Station,
Theni District.
(In Crime No.10 of 2025).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the order dated 23.05.2026 in Crl.MP.No.73 of 2026 in Spl.SC.No.105 of 2025 on the file of the Special Court for Exclusive Trial of Cases Under POCSO Act, Theni and set-aside the same and allow the petitioners to cross examine the PW1 by allowing the Criminal Original Petition.

For Petitioners : Mr.M.Prabhu

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



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ORDER

The present petition has been filed by the accused persons in Spl.SC.No.105 of 2025 on the file of the Special Court for Exclusive Trial of Cases Under POCSO Act, Theni seeking to set aside the order passed by the trial Court, wherein, the request of the petitioners to recall PW1 has been rejected.

2.A perusal of the records revealed that the petitioners have been charged with the offence under Sections 9, 10 of Prohibition of Child Marriage Act, Sections 5(1), 6, 17 of POCSO Act and Section 65(1) of BNSS.

3.A perusal of the charge sheet reveal that the marriage of the victim girl/PW1 has been arranged by her parents with the first accused. The parents of the victim girl have been arrayed as A2 and A3.

4.The victim girl, PW1 was chief examined on 19.01.2026 and she was not cross examined on the said date. On the next date of hearing, namely on 24.02.2026, the present application has been filed seeking to recall PW1. This application has been dismissed under the impugned order, on the ground



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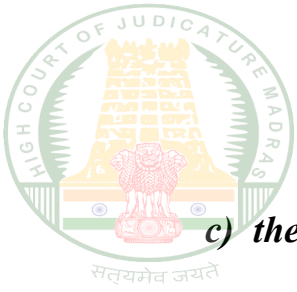
that the victim girl cannot be called upon to appear before the Court for the second time.

5. According to the learned counsel appearing for the petitioners, immediately on the next date of hearing, the present application has been filed and in such circumstances, they would like to recall PW1 for the purpose of cross examination.

6. Heard the learned counsel appearing for the petitioners and perused the materials on record.

7. Considering the fact that immediately the application to recall PW1 came to be filed without any delay, this Court is inclined to pass the following order:

- a) The impugned order in Crl.M.P. No. 73 of 2026 in Spl.S.C. No.105 of 2025, dated 23.05.2026 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Theni is set aside, insofar as it rejects recall of PW1;***
- b) the petitioners shall pay batta within a period of three days from the date of receipt of copy of this order;***



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c) the petitioners are directed to complete the cross examination of PW1

on the date on which she appears;

d) it is made clear that the petitioners shall not be granted any further opportunity for cross examination of PW1.

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

22.07.2026

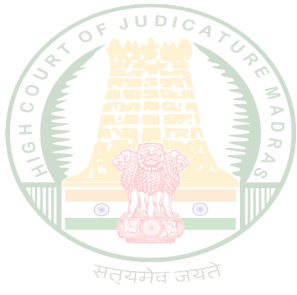
NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PNM

To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Theni

2. The Inspector of Police,
AWPS-Bodinayakkanur, Police Station,
Theni 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.14999 of 2026
and Crl.M.P(MD) No.14552 of 2026

22.07.2026