



Crl.OP(MD) No.14265 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.14265 of 2026

1. Sivaraj

2. Lakshmi

3. Eswari

... Petitioners

Vs

State of Tamilnadu Rep by
Inspector of Police, AWPS Sattur Police Station,
Virudhunagar District. Crime No.22/2023.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records of the order in Crl.M.P.No.82/2026 in Spl.S.C.No.3/2024 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Srivilliputhur, dated 25.06.2026, and set aside the same in so far as the dismissal of recalling the witness PW 1 for further cross-examination.

For Petitioners : Mr.S.Gurumoorthy

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



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ORDER

The present petition has been filed by accused persons in Spl.S.C.No.3 of 2024 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Srivilliputhur seeking to set aside the order in Crl.M.P.No. 82 of 2026, dated 25.06.2026, wherein, the petition filed by the petitioners to recall PW1 and PW9 was dismissed.

2.It could be seen from the records that the petitioners have been charged with the offence under Sections 294(b), 323, 376(3) IPC and Sections 3 r/w 4 of POCSO Act, 2012.

3.PW1/Victim girl was chief examined on 20.08.2025 and on the same day cross examination was also completed. PW9 was chief and cross examined on 16.04.2026. The present application has been filed in the year 2026 seeking to recall PW1 and PW9. The trial Court has partly allowed the application permitting the petitioners to recall PW9 but rejected the request of the petitioners to recall PW1. Challenging that portion of the order, the present petition has been filed.



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4. According to the learned counsel appearing for the petitioners, the petitioners have not provided some inputs to their counsel for cross examination of PW1. Therefore, PW 1 has to be recalled for further cross examination.

5. Perusal of the order of the trial Court revealed that PW1 has been cross examined in detail on 20.08.2025, therefore, unnecessarily PW1 cannot be recalled.

6. Heard the learned counsel appearing for the petitioner and perused the material on record.

7. Perusal of the order passed by the trial Court revealed that PW1 has been cross examined in detail on 20.08.2025 itself and the present application has been filed belatedly to recall PW1. The reasons assigned in the application are not legally sustainable. Therefore, this Court does not find any reason to interfere with the order of the trial Court. There are no merits in the petition.



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8. Accordingly, this Criminal Original Petition stands dismissed.

14.07.2026

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

To

1. The Inspector of Police, AWPS Sattur Police Station,
Virudhunagar District. Crime No.22/2023.

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



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R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
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