

Crl.OP(MD) No.14985 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.14985 of 2026
and Crl.MP(MD) No.14541 of 2026

1. John Rose

2. Pradeep

3. Jelin Prabha

... Petitioners

Vs

The State of Tamilnadu Rep
By the Inspector of Police,
AWPS Marthandam Police Station,
Kanniyakumari District.
(In Crime No.30 of 2024).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records related to the Impugned Common order in Cr.M.P.No.57 and 58 of 2026 in Special Sessions Case No.74 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanniyakumari District, dated 20.04.2026 and set aside the same.

For Petitioner : Mr.S.Karthikeyan

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



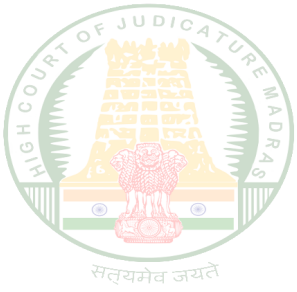
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ORDER

The present petition has been filed by A1 to A3 in Spl.S.C.No.74 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanniyakumari District, seeking to set aside the order passed in Crl.M.P.Nos.57 and 58 of 2026, wherein, the applications filed by the petitioners under Section 348 of BNSS have been rejected.

2.Perusal of the records reveal that the petitioners are charged with the offence under Sections 332(b), 64 of BNS Act, 2023 and Sections 6, 5(j)(ii) r/w 3(c) r/w 8 of POCSO Act, 2012. In the above said case, PW1 and PW2 were chief examined on 19.12.2025 and PW3 and PW4 were chief examined on 30.12.2025. On these dates, due to boycott call made by the Bar Council of Tamil Nadu, the counsels of the accused persons were not present and hence, the cross examination could not be conducted. Immediately on the next date of hearing, viz., on 29.01.2026, applications have been filed seeking to recall PW1 to PW4 for the purpose of cross-examination. Those applications came to be dismissed by the trial Court relying upon Section 33(5) of POCSO Act. Challenging the same, this petition has been filed.

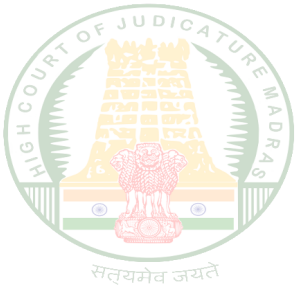


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3. According to the learned counsel appearing for the petitioners, the counsels could not be present due to the boycott call given by the Bar Council of Tamil Nadu and therefore, the petitioners should not be put to prejudice for the same. He further submitted that the other witnesses have been promptly cross examined by the petitioners herein. In such circumstances, he seeks one more opportunity to recall PW1 to PW4 for the purpose of cross examination.

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

5. Considering the circumstances stated in the affidavit that due to the non-availability of the counsels on the above dates, the cross examination of PW1 to PW4 cannot be made by the petitioners, this Court is of the considered opinion that one more opportunity could be granted to the petitioners herein for the purpose of cross-examination of PW1 to PW4.



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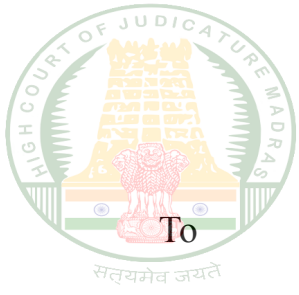
6.In such view of the matter, this Court is inclined to pass the following order.

- a) The impugned order in Crl.M.P. Nos. 57 and 58 of 2026 in Spl.S.C.No. 74 of 2025, dated 20.04.2026 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil, Kanniyakumari District is set aside and the petitioners shall be permitted to recall and cross examine PW1 to PW4;***
- b) the petitioners shall pay batta within a period of three days from the date of receipt of copy of this order;***
- c) the petitioners are directed to cross examine PW1 to PW4 on the date on which they appears;***
- d) It is made clear that no further opportunity shall be granted to the petitioners for cross examination of PW1 to PW4.***

7.With the aforesaid observations, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is allowed.

21.07.2026

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



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1. Special Court for Exclusive Trial of Cases under POCSO
Act, Nagercoil, Kanniyakumari District

2.The Inspector of Police,
AWPS Marthandam Police Station,
Kanniyakumari District.

3.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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