



*Crl.OP(MD) No.15171 of 2026*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 23.07.2026

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**Crl.OP.(MD)No.15171 of 2026**  
**and Crl.MP(MD) No.14732 of 2026**

Vignesh

... Petitioner

Vs

State of Tamilnadu Rep by  
Inspector of Police,  
AWPS-Papanasam,  
Thanjavur District. Crime No.8/2025.

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the impugned order passed by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur in Crl.MP.No.617/2025 dated 04.02.2026 and set aside the same as illegal and void, consequently permit the petitioner to reexamine the PW1 in S.S.C.No.211 of 2025, on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

For Petitioner : Mr.S.Vishnuvaradhan

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



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**ORDER**

The present petition has been filed by the accused in Spl.SC No. 211 of 2025 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, challenging the order passed in Crl.M.P.No.617 of 2025, wherein, the request of the petitioner to recall PW1 has been dismissed.

2.The petitioner herein is charged with the offence under Sections 137(2), 127(2) of BNS, 9(m) r/w 10 of POCSO Act and Section 4 of TNPHW Act.

3.PW1/victim was chief examined on 28.11.2025. At the relevant point of time, the petitioner was detained under Goondas. Therefore, the petitioner's counsel, could not get instructions from the petitioner, had not cross examined the victim on the said date. Thereafter, immediately on 12.12.2025, the present application has been filed under Section 348 of BNSS seeking to recall PW1. This application has been dismissed by the trial Court. Challenging the same, the present petition has been filed.



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4. According to the learned counsel appearing for the petitioner, on 28.11.2025 he was detained under Goondas Act and that was quashed by this Court only on 05.02.2026. This application to recall PW1 has been filed way back in December, 2025 itself. In such circumstances, the Court ought to have allowed the application.

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

6. Whenever Act 14 of 1982 is invoked by the State as against the accused persons, this Court has time and again had directed the trial Court to complete the chief and cross examination before the Act 14 of 1982 is revoked or set aside. In the light of the said facts, direction came to be issued by this Court to complete the chief and cross examination before the Act 14 of 1982 is revoked or set aside.

7. In the present case, the petition has been filed under Section 348 of BNSS on 12.12.2025 itself, however, the detention order as against the petitioner herein has been quashed only on 05.02.2026. If the application been



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allowed on an earlier date, the cross examination of PW1 could have been completed even while the petitioner was in detention.

8.In such circumstances, this Court is of the considered opinion that one more opportunity has to be granted to the petitioner to cross examine PW1 and inclined to pass the following orders:

- a) The impugned order in Crl.M.P. No. 617 of 2025 in Spl.S.C. No.211 of 2025, dated 04.02.2026 passed by the learned Sessions Judge, Principal 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 batta 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) No more further indulgence is shown to the petitioner for cross examination of PW1.*



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

**23.07.2026**

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

To

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

2.The Inspector of Police,  
AWPS-Papanasam,  
Thanjavur District. Crime No.8/2025.

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.15171 of 2026**

**23.07.2026**