



Crl.OP(MD) No.17726 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.17726 of 2026
and Crl.MP(MD) No.17073 of 2026

Ravichandran

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police, AWPS-Pattukottai,
Thanjavur District.
In Crime No. 27 of 2024..

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS., to set aside the order dated 06.04.2026 made in Crl.M.P.No. 158 of 2026 in Spl.S.C.No.81 of 2025 by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

For Petitioner : Mr.M.Karunanithi

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 Spl.S.C.No.81 of 2025 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur seeking to set aside the order passed in Crl.M.P.No.1158 of 2026, wherein, the request of the petitioner to recall witness PW1, for the purpose of cross examination has been rejected.

2.Perusal of the records reveal that the petitioner is charged with the offences under Sections 5(l), 5(m) and 6(1) of POCSO Act.

3.In this case PW1 was chief examined on 21.11.2025, but she was not cross examined on the said date. The other witnesses PW 2 to PW20 have been chief and cross examined by the petitioner. Thereafter, the present petition has been filed on 04.03.2026 seeking to recall PW1 for the purpose of cross examination.

4.Perusal of the application reveal that since material documents was not available on the said date, cross examination of PW1 could not be conducted. The said application was rejected by the trial Court by invoking Section 33(5) of POCSO Act on the ground that the victim child cannot be



repeatedly called before the Court to testify. This order was put to challenge in the present petition.

5. According to the learned counsel appearing for the petitioner, in order to disprove the burden of proof such an offence is not taken place, one opportunity should be granted to the petitioner to cross examine PW1. He further submits that the cross examination of PW1 would be completed on a single day. Further, Section 33(5) of POCSO Act only mandates that the victim child shall not be called repeatedly to testify before the Court and does not completely bar the accused from exercising his right to cross-examine the victim child for the first time. Hence, prays that one opportunity may be granted to the petitioner to cross-examine P.W.1.

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

7. As could be seen from the impugned order, PW1 was chief examined on 21.11.2025, and the present application has been filed on 04.03.2026, seeking to recall PW1. In this case, PW2 to PW20 were chief and cross examined by the petitioner. Admittedly, the petitioner is in judicial



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custody and he was not granted bail.

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8.Considering the above said facts, this Court is of the considered opinion that one more opportunity would be granted to the petitioner to cross examine PW1 and this Court is inclined to pause the following order:

- a) The impugned order in Crl.M.P. No. 158 of 2026 in Spl.S.C. No.81 of 2025, dated 06.04.2026 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) the petitioner shall not be granted any further opportunity for cross examination of PW1.*

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

18.08.2026

NCC : Yes/No
Index : Yes/No



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Internet: Yes/No
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To

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

2.The Inspector of Police, AWPS-Pattukottai,
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
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and Crl.MP(MD) No.17073 of 2026

18.08.2026