



Crl.O.P.No. 4509 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 4509 of 2025
and Crl.M.P.No.2870 of 2025

Jaffar A

.... Petitioner

Vs

State by
Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.172 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 08.01.2025 made in Crl.M.P.No.1656 of 2024 in Spl.S.C.No.165 of 2021 on the file of Special Judge for Exclusive Trial of Cases under POCSO Act 2012, Vellore, Vellore District, by allowing the Criminal Original Petition.

For Petitioner : Mr.M.Vignesh

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed challenging the order dated 08.01.2025 passed in Crl.M.P.No.1656 of 2024 in Spl.S.C.No.165 of 2021, thereby dismissing the petition filed under Section 348 of Bharatiya



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Nagarik Suraksha Sanhita, 2023, to re-call P.Ws.3 to 5, 7, 13 & 14 for cross examination.

2. The petitioner is an accused in Spl.S.C.No.165 of 2021. The prosecution has so far examined P.Ws. 1 to 14. However, the petitioner failed to cross examine P.Ws. 3 to 5, 7, 13 & 14 after their chief examination. They were examined in the year 2023 and finally P.W.14 was examined on 15.02.2024. Though the petitioner's counsel was present during the chief examination, no cross examination was conducted.

3. The learned counsel for the petitioner would submit that the accused was not cross examined on the date of chief examination. Therefore, it was recorded as 'no cross' on behalf of the accused.

4. Admittedly, the petitioner did not cross examine the parents of the victim and neighbours including the investigating officer. Therefore, the petitioner may be given one more opportunity to putforth his defence by way of cross examination.



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5. In view of the above, the order dated 08.01.2025 made in

Crl.M.P.No.1656 of 2024 in Spl.S.C.No.165 of 2021 on the file of Special Judge for Exclusive Trial of Cases under POCSO Act 2012, Vellore, Vellore District, is hereby set aside. The petitioner is permitted to cross examine P.Ws.3 to 5, 7, 13 & 14 on payment of cost of Rs.1,000/- each to the witnesses. The Trial Court is directed to fix a date for the cross examination of P.Ws.3 to 5, 7, 13 & 14. If the petitioner fails to cross examine the prosecution witnesses on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.

6. In the result, this Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

20.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp



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G.K.ILANTHIRAIYAN, J.

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To

1.The Special Judge for Exclusive Trial of
Cases under POCSO Act 2012,
Vellore, Vellore District,

2.The Inspector of Police,
Sathuvachari Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

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20.02.2025