



Crl. O.P. No. 7127 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 7127 of 2025

and

Crl. M.P. No. 4543 of 2025

Kumar

... Petitioner

Vs.

State Rep., by
The Inspector of Police,
All Women Police Station (West),
Coimbatore District.
(Crime No.61 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 10.01.2025 made in Crl.M.P.No.1566 of 2024 in Spl.S.C.No.94 of 2023, on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.

For Petitioner : Mr. J. Jayan

For Respondent : Mr. A. Gopinath,
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed challenging the order dated 10.01.2025 made in Crl.M.P.No.1566 of 2024 in Spl.S.C.No.94 of 2023, on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, thereby dismissed the petition to recall P.W.1 for further cross examination.

2. The petitioner is an accused in Spl.S.C.No.94 of 2023 and facing trial for the offences punishable under Sections 366, 376(3), 342 of IPC and Section 5(1) r/w 6 of POCSO Act, 2012. The P.W.1 was examined on 23.05.2024. On the same date, the petitioner had cross examined the P.W.1 and it was completed at about 12.40 pm. The chief examination was started at about 11.50 am.

3. Learned counsel for the petitioner would submit that the petitioner was compelled to cross examine on the very same day of chief examination and without even before completing the cross examination, the petitioner was compelled to close the cross examination. Therefore, the petitioner filed application to recall P.W.1 for further cross examination. The petitioner is



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facing very serious and grievous hardship charge. Though there is a bar under

Section 33(5) of POCSO Act, the victim girl should not be repeatedly called for examination. The petitioner may be given one more opportunity to complete his cross examination on the date fixed by the trial Court.

4. In view of the above observations, this Criminal Original Petition is allowed by setting aside the order dated 10.01.2025 made in Crl.M.P.No.1566 of 2024 in Spl.S.C.No.94 of 2023, on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore on condition to pay costs of Rs.5,000/- to be paid by the petitioner to the victim.

5. The trial Court is directed to fix the date for cross examination of P.W.1, if the petitioner failed to cross examine P.W.1 on the date fixed by the trial Court, the trial Court is directed to proceed with the trial in accordance with law.

Consequently connected miscellaneous petition is closed.

13.03.2025

Index : Yes/No

Neutral citation : Yes/No

AT

Note: Issue order copy on 14.03.2025



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G.K.ILANTHIRAIYAN, J.

AT

To

1. The Inspector of Police,
All Women Police Station (West),
Coimbatore District.

2. The Principal Special Court for Exclusive Trial of cases under POCSO Act,
Coimbatore.

3. The Public Prosecutor,
High Court of Madras.

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