



Crl.O.P.No. 8007 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

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

Crl.O.P.No.8007 of 2025

Lawrance

... Petitioner

Vs.

The State by
Inspector of Police,
AWPS Kottakuppam Police Station,
Villupuram District.
(Crime No.12 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed in Crl.M.P.No.515 of 2024 in Special S.C.No.134 of 2022, dated 5th September, 2024 on the file of the Special Court, POCSO Act, Villupuram and permit the petitioner to recall PW1, PW2, PW5 and PW8 and cross examine them in Special S.C.No.134 of 2022, Villupuram.

For Petitioner : Mr.A.N.Rajan

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

ORDER

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WEB COPY This Criminal Original Petition has been filed challenging the order dated 05.09.2024 in Crl.M.P.No.515 of 2024 in Special S.C.No.134 of 2022, on the file of Special Court, POCSO Act, Villupuram, thereby dismissing the application filed under Section 311 of Cr.P.C for recalling PW1, PW2, PW5 and PW8 for further cross examination.

2. The petitioner herein is the accused facing charges under Sections 354(D) and 506(ii) of the IPC, Sections 11(1) and 12 of the POCSO Act, 2012 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. The prosecution has already examined all the witnesses except the Investigating Officer. The petitioner has also cross-examined all the prosecution witnesses. When the matter was posted for examination of the Investigating Officer, the petitioner filed a petition in Crl.M.P.No.515 of 2024 in Special S.C.No.134 of 2022 seeking to recall PW1, PW2, PW5 and PW8 for further cross-examination on the ground that a new counsel has been engaged. PW1 is the victim.



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Court.

3. Heard both sides and perused the materials placed before this

4. On perusal of the records, it is evident that PW1, PW2, PW5 and PW8 were already cross examined in a detailed manner. As per Section 35 of POCSO Act, 2012, the evidence of the victim shall be recorded within a period of 30 days from the date of the report of the offence. Therefore, the victim girl cannot be repeatedly called to appear for cross examination. Once the witnesses have been cross examined in a detailed manner, they cannot be subject for cross examination repeatedly unless new and material evidence comes to light.

5. In view of the above, this Court find no infirmity or illegality in the the order rejecting the petitioner's request to recall the witnesses. Accordingly, this Criminal Original Petition stands dismissed. However, the Trial Court is hereby directed to complete the trial within a period of three months from the date of receipt of a copy of this order.



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Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To

1. Special Court, POCSO Act, Villupuram

2. The Inspector of Police,
AWPS Kottakuppam Police Station,
Villupuram District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

shk

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