



Crl.O.P.No.22201 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM

THE HONOURABLE MR. JUSTICE **D. BHARATHA CHAKRAVARTHY**

Crl.O.P.No.22201 of 2025
and Crl.M.P.No.15184 of 2025

Arulkumar

... Petitioner

VS.

The Inspector of Police,
All Women Police Station,
Tirupathur.

... Respondents

Prayer: This Criminal Original Petition has been filed under Section 528 of BNS, to call for the records pertaining to order dated 24.07.2025 in Crl.M.P.No.894 of 2025 in SPLSC No.9 of 2025, on the file of the District Judges Court, Tirupatur District and set aside the same.

For Petitioner : Mr. S. Seenuvasan

For Respondents : Dr. C.E. Pratap,
Government Advocate (Crl. Side)



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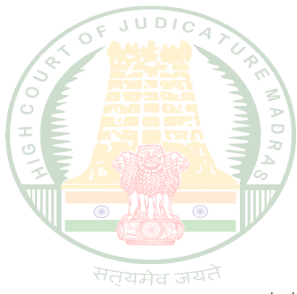
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ORDER

The petition is filed to set aside the order in Crl.M.P.No.894 of 2025 made in Spl.S.C.No.09 of 2024 dated 24.07.2025 by the learned District and Sessions Judge, Tirupattur.

2. The learned counsel appearing on behalf of the petitioner/accused submits that the petitioner is facing the charges under Sections 363 and 366 of IPC and Sections 4 r/w. Section 3(a) of the POCSO Act and Section 9 of Prohibition of Child Marriage Act and the matter now stands posted for judgment. He further submitted that when the Trial was proceeded, on account of certain boycott and other proceedings, the learned counsel on behalf of the petitioner/accused did not cross examine several witnesses, unless an opportunity is provided for cross examination, the valuable right of the defence will be lost.

3. Per contra, the learned Government Advocate (Crl. Side) would submit that, when the accused did not cross examine the witnesses on the relevant day, even thereafter they did not file any application and kept quiet



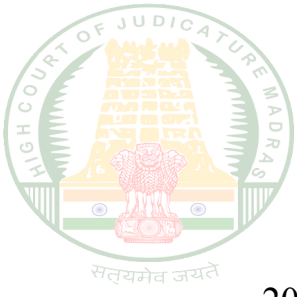
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even at the defence stage. He further submitted that, when the matter is posted for judgment tomorrow, this petition is filed only to drag on the proceedings.

4. This Court finds wilful default on the part of the petitioner herein in not cross examining the witnesses. Since the victim is a child, the victim as well as her parents cannot be made to relive the entire trauma by belatedly cross examining them. Even in respect of the other witnesses, the petitioner ought to have filed an application at the appropriate time. However, only considering the nature of the deposition that is made by the victim child, wherein no averment has been made with reference to any sexual assault, in the best interest of the defence, this Court permits to cross examine the Investigation Officer alone, as the petitioner is charged for certain offences.

5. In view thereof, only to provide an opportunity to the petitioner/accused to cross examine P.W.12 - the Investigation Officer, this criminal original petition is partly allowed on the following terms:

(a). The order of the learned District and Sessions Judge, Tirupattur in CrI.M.P.No.894 of 2025 in Spl.S.C. No.09 of



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2024 dated 24.07.2025 is set aside in as much as, it refuses to recall P.W.12 alone for cross examination, thereby one more opportunity is granted for the petitioner/ accused to cross examine the P.W.12 alone.

(b). P.W.12 be present before the Trial Court on any such date as may be fixed by the Trial Court concerned and if the accused/ petitioner fails to cross examine, the evidence of P.W.12 will again be closed and the matter will be considered thereafter by the Trial Court.

(c) With reference to others, the order of the Trial Court is sustained.

6. With the above directions, this criminal original petition is disposed of. Consequently, connected criminal miscellaneous petition stands closed.

07.08.2025

Neutral Citation Case : Yes/No
stn



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To

1. The District and Sessions Judge, Tirupattur.
2. The Inspector of Police,
All Women Police Station,
Tirupathur.
3. The Public Prosecutor, High Court of Madras.

Note: The parties are requested to act upon the web copy of this order, without waiting for the certified copy of the order.



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D. BHARATHA CHAKRAVARTHY, J.

stn

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