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CRL OP No. 23964 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23964 of 2025

Robin

Petitioner(s)

Vs

The State Rep by,
The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai. Cr.No.179/2021.

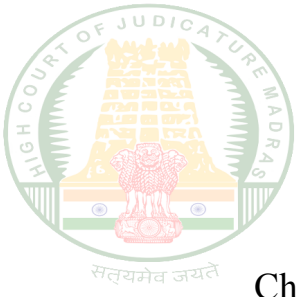
Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to set aside the order in CrI.M.P.No.743/2025 in Spl.SC No.22/2021 dated 06.08.2025 passed by the Learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai.

For Petitioner(s): Mr. J.Franklin

For Respondent(s): Mr. R.vinothraja,
Govt. Advocate (crl.side)



ORDER

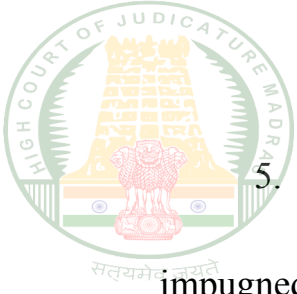
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Challenging the impugned order dismissing the application filed to recall PW2, the victim girl, the present Criminal Original Petition has been filed.

2. The learned counsel for the petitioner would submit that certain questions have not been asked . If one day's time is granted, the cross examination will be completed.

3. I have heard the learned Government Advocate (crl.side) appearing for the respondent and perused the materials available on records carefully.

4. Though Section 33(5) POCSO Act makes it very clear that a victim child cannot be subjected to repeated questions, it is noted that PW2 has now attained the age of 20 years. In such view of the matter, as a last opportunity, the accused may be granted one further chance to cross examine PW2.



5. Accordingly, this Criminal Original Petition is allowed and the impugned order dated 06.08.2025 passed in Crl.M.P.No.743 of 2025 is set aside.

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The Trial Court is directed to fix a specific date for cross examination of PW2.

On that day, the petitioner shall cross examine PW2 and the same shall be completed on the very same day without any adjournment. In the event, the cross examination is not completed on the said date, the petitioner shall forfeit his right to further cross examine PW2.

29-08-2025

Mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Tiruvannamalai.
2. The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai. Cr.No.179/2021.



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N.SATHISH KUMAR J.

mrp

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