



WEB COPY



CrI.O.P.No.26761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.26761 of 2025
and CrI.M.P.No.18164 of 2025

John Pernandass

... Petitioner

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Mannargudi,
Thiruvarur District.

(Crime No.6 of 2023)

... Respondents

PRAYER : Criminal Original Petition is filed under Section 447 BNSS, to withdraw and transfer the case in Spl.S.C.No.25 of 2023 pending on the file of the learned Sessions Judge, Fast Track Mahila Court at Thiruvarur to some other competent Court.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)



CrI.O.P.No.26761 of 2025

WEB COPY

ORDER

The Criminal Original Petition has been filed seeking to transfer the case in Spl.S.C.No.25 of 2023 pending on the file of the learned Sessions Judge, Fast Track Mahila Court at Thiruvavarur to some other competent Court.

2. It is the contention of the learned counsel appearing for the petitioner that the petitioner has been arrayed as an accused in Crime No.6 of 2023 registered on the file of the respondent Police for the offences under Sections 7 and 8 of the POCSO Act and Section 506(1) of IPC. After completion of investigation, the case has been taken cognizance on the file of the Fast Track Mahila Court, Thiruvavarur, in Spl.S.C.No.25 of 2023. After examination of PW7 and PW8 in chief, since they were treated as hostile, the petitioner was not given an opportunity to cross-examine them. It is absolutely necessary for the petitioner to cross-examine PW7 and PW8 to elicit certain important facts, to show that the entire case has been foisted against him without any basis. However, the trial Court refused to grant such an opportunity to the petitioner to cross examine and consequently, the recall petition filed by the petitioner is still pending. Hence the present



CrI.O.P.No.26761 of 2025

petition has been filed.

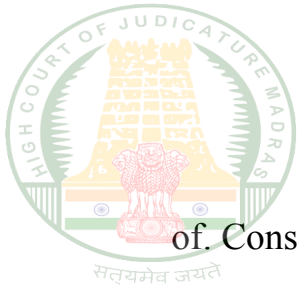
WEB COPY

3. Heard both sides and perused the materials available on record.

4. Considering the above facts of the case, this Court is of the view that merely on the ground that the trial Court has rejected the request of the petitioner to cross-examine the witnesses, the case cannot be transferred. However, the fact remains that though PW7 and PW8, who were examined on the side of the prosecution, have turned hostile and have spoken nothing adverse against the petitioner, they cannot be produced as defence witnesses by the petitioner/accused.

5. In such view of the matter, the trial Court is directed to allow the recall petition filed by the petitioner and to grant an opportunity to the petitioner to cross-examine PW7 and PW8 in accordance with law.

6. Accordingly, this Criminal Original Petition stands disposed



CrI.O.P.No.26761 of 2025

of. Consequently, the connected miscellaneous petition is closed.

WEB COPY

06.10.2025

ham

Neutral Citation:Yes/No

To

1. The Sessions Judge,
Fast Track Mahila Court,
Thiruvarur.
2. The Inspector of Police,
All Women Police Station,
Mannargudi, Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.26761 of 2025

N. SATHISH KUMAR, J.

ham

***Crl.O.P.No.26761 of 2025
and Crl.M.P.No.18164 of 2025***

06.10.2025