



Crl.OP.No.33471 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.33471 of 2025

Ayaz Ahamed

...Petitioner

Vs.

State Rep. by,
Inspector of Police,
Vellore All Women Police Station,
Vellore District.
Crime No.6 of 2021

...Respondent

Petition filed under Section 528 of BNSS, 2023, to set aside the order passed by the Court of the Special Judge for exclusive trial of cases under POCSO Act 2012, Vellore, Vellore District in Crl.M.P.No.716 of 2025 in Spl.S.C.No.86 of 2022 dated 04.11.2025.

For Petitioner : Mr.Shabeer Ahmed
for Mr.M.Jaikumar

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

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This petition has been filed seeking to set aside the order passed by the learned Special Judge for exclusive trial of cases under POCSO Act, 2012, Vellore, Vellore District in Crl.M.P.No.716 of 2025 in Spl.S.C.Nol.86 of 2022 dated 04.11.2025, whereby, the trial Court dismissed the petition filed by the petitioner seeking to recall the witnesses.

2. The learned counsel for the petitioner submits that the petitioner has filed an application seeking recall of P.W.1 and P.W.2 for the purpose of cross-examination. He further submits that the said application was necessitated as the petitioner's earlier counsel had not conducted the cross-examination properly.

3. Per contra, the learned Government Advocate (Crl.Side) appearing on behalf of the respondent / Police, submits that the petitioner has been charged with offences under the POCSO Act. The victim is a minor girl, aged about 12 years at the time of occurrence and presently about 15 years.



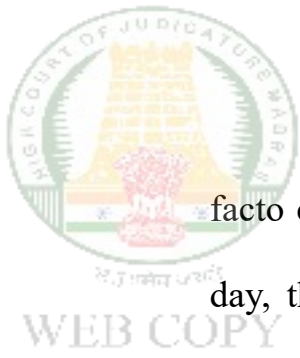
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She was examined in chief on 14.12.2022. Thereafter, the petitioner had filed an application in CrI.M.P.No.706 of 2024, seeking to recall of the witnesses and notwithstanding Section 33(5) of the POCSO Act, the trial Court had afforded an opportunity of hearing, pursuant to which P.W.1 and P.W.2 were recalled cross-examined in detail. As on date, out of 22 witnesses cited by the prosecution, 14 witnesses have already been examined. At this stage, when the trial is at its fag end, the present petition has been filed only with an intention to delay the proceedings. He further submits that the trial Court, having rightly found that the witnesses cannot be repeatedly recalled for cross-examination, has correctly dismissed the application. Hence, he prays that this petition be dismissed.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The petitioner is an accused facing charges under Sections 376AB and 506(i) of Indian Penal Code, 1860 and Sections 6, 5(1), 10, 5(f) and 5(m) of the POCSO Act. The victim, P.W.1 and her mother, who is the de

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facto complainant, were examined in chief on 14.12.2022, and on the same day, the petitioner duly cross-examined both the witnesses. Subsequently, the petitioner had filed Crl.M.P.No.706 of 2024 seeking to recall the witnesses, which was allowed by the trial Court, thereby affording the petitioner an additional opportunity to cross-examine them. The present application is a second attempt to recall the very same witnesses.

6. In view of the mandate under Section 33(5) of the POCSO Act, as per which the trial Court shall ensure that the victim child is not called repeatedly to testify in the Court, the trial Court has rightly dismissed the petitioner's application in Crl.M.P.No.716 of 2025.

7. Accordingly, finding no merits in this criminal original petition, the same stands dismissed. Consequently, connected miscellaneous petition stands closed.

08.12.2025

rap
NCC : Yes/No



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To:

- 1.The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
- 2.The Public Prosecutor,
Madras High Court.
3. The Special Judge for exclusive trial of cases under POCSO Act 2012,
Vellore, Vellore District



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A.D.JAGADISH CHANDIRA, J.

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