



Crl.O.P.(MD) No.4209 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

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THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.4209 of 2024

and

Crl.M.P.(MD) No.3337 of 2024

Thangaiah Thavamani

... Petitioner

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi District.

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records and set aside the order dated 12.02.2024 passed in Cr.M.P.No.1112 of 2023 in Spl.S.C.No. 30 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, Thoothukudi District.

For Petitioner : Mr.R.Ilayaraja

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

Seeking to set aside the impugned order dated 12.02.2024 passed in Cr.M.P.No.1112 of 2023 in Spl.S.C.No.30 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi, this Criminal Original Petition has been filed.

2. Spl.S.C.No.30 of 2020 is a POCSO case in which the petitioner herein, who is the accused, filed a petition in Cr.M.P.No.1112 of 2023 under Section 311 of the Code of Criminal Procedure, 1973, to recall P.W. 1 to P.W.3 for further cross-examination. However, the said petition was dismissed by the learned Sessions Judge on the ground that it had been filed after 550 days from the examination of P.W.1 to P.W.3, without showing any probable reason for further cross-examination. Challenging the said order, this Criminal Original Petition has been filed.

3. Mr.R.Ilayaraja, the learned counsel for the petitioner, relying upon the cross-examination of the victim girl, submits that during cross-examination the victim admitted that P.W.2 and P.W.3, who are her



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parents, were not on talking terms with the accused for a long time, and that P.W.2 and P.W.3 had purchased new dresses for her so that she could attend the court proceedings happily. Further, pointing out that P.W.3 admitted the fact of having purchased new dresses for the victim to keep her in a good mood while deposing her evidence, the learned counsel for the petitioner asserts the necessity for further cross-examination of P.W.1 to P.W.3 and prays for allowing this Criminal Original Petition.

4. Per contra, Mr.S.Ravi, the learned Additional Public Prosecutor for the respondent, submits that the petition filed under Section 311 of the Code of Criminal Procedure, 1973 was bereft of the contentions now raised by the learned counsel for the petitioner; that although the petition was filed on the premise that there was a necessity to examine P.W.1 to P.W.3 with respect to certain documents, it did not disclose the details of those documents; that the learned Sessions Judge had rightly recorded that the case was taken on file on 16.03.2020 as Spl.S.C.No.30 of 2020; that P.W.1 to P.W.15 were examined in full; and that the petition to recall P.W.1 to P.W.3 for further cross-examination filed after a lapse of 550 days from the examination of the said witnesses was only with the intention to protract the trial at a belated stage, and had dismissed the



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petition; that hence, there is no infirmity in the impugned order, and prays
for dismissal of this Criminal Original Petition.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and carefully perused the materials available on record.

6. The case on hand is a POCSO case. It is directed that the trial under the Protection of Children from Sexual Offences (POCSO) Act, 2012, be concluded as expeditiously as possible, preferably within a period of one year. However, in the present case, the trial commenced as early as on 16.03.2020. After 550 days from the date of completion of the examination of all the prosecution witnesses, i.e., P.W.1 to P.W.15, the petitioner has belatedly filed the petition seeking to recall P.W.1 to P.W.3 for further cross-examination. The learned Sessions Judge has rightly dismissed the same. Since the petitioner has sought re-examination of the witnesses on the basis of certain documents without furnishing details of those documents, such a request cannot be accepted. Therefore, I do not find any infirmity in the impugned order passed by the learned Sessions Judge. Moreover, this Court is inclined to observe that in POCSO cases,



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the victim girl should not be repeatedly subjected to examination, which may cause unnecessary psychological impact on her mental health.

7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Thoothukudi, Thoothukudi District.
- 2.The Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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