

Crl.O.P.(MD) No.5440 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.5440 of 2025

and

Crl.M.P(MD)No.3948 of 2025

Yonus

... Petitioner

Vs.

The Inspector of Police
All Women Police Station
Thoothukudi District

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to set aside the order passed in Cr.M.P.No.2 of 2025 in S.S.C.No.111 of 2024 dated 03.02.2025 on the file of the learned Sessions Judge(FAC) Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi, Thoothukudi District and also set aside the consequential proceedings and decide it on merits in the manner known to law.

For Petitioner : Mr.S.Senthil Sankara Natha Kumar

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

WEB COPY This petition has filed to set aside the order passed by the Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi, Thoothukudi District in Cr.M.P.No.2 of 2025 in Spl.S.C.No.111 of 2024 dated 03.02.2025.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the sole accused in this case and he is facing trial in Spl.S.C.No. 111 of 2024 for the offences under Section 5(l) and 6 of POCSO Act. Whiles, already the witnesses namely P.W.1 to P.W.13 were examined. But P.W. 3 and P.W.6 were not effectively cross examined and thereby they filed petition before the trial Court in Cr.M.P. No.2 of 2025 and the same was dismissed by the trial Court. Infact the above said witnesses were not cross examined effectively. Inorder to put forth the valuable defence of the petitioner and to establish his case further cross examination of the witnesses is very necessary. But the trial Court failed to consider the same and simply dismissed the petition stating that those witnesses were already cross examined by the petitioner and therefore the order passed by the trial Court is liable to be set aside.



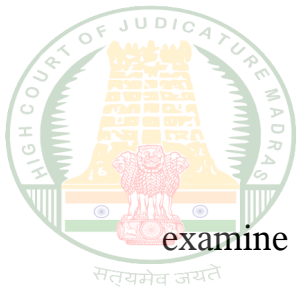
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3. The learned Government Advocate(Crl.side) would submit that in this case P.W.1 to P.W.13 were examined and the petitioner also cross examined them. Thereafter the petitioner filed petition to recall the witnesses and the same was allowed and thereafter some of the witnesses were cross examined . Again the petitioner filed petition to recall P.W.3 and P.W.6 for cross examination and the same was dismissed by the trial Court by giving adequate reasons. Thereafter the petitioner also cross examined the witnesses..Further P.W.3 turned hostile and P.W.6 who is the doctor was also cross examined by the petitioner, therefore the petition is liable to be dismissed.

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

5. According to the petitioner he is the accused in this case and the prosecution witnesses were examined and the petitioner also cross examined the witnesses. However P.W.3 and P.W.6 were not cross examined effectively. Therefore filed petition for further cross examination of the witnesses but the trial Court dismissed the petition stating that already the petitioner filed petition to recall the other witnesses and the same was allowed and cross examined, at that time he has not taken any steps and now filed this petition to



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examine P.W.3 and P.W.6. Infact P.W.3 already turned hostile and P.W.6 also cross examined and the case stands posted for further proceedings and no specific explanation was given to cross examine the witnesses, thereby the petition is liable to be dismissed.

6. This Court also perused the entire records. On perusal of the records, it is seen that already the petitioner has cross examined the witnesses. Whiles, already the petitioner filed petition to recall P.W.1,2 and 7 in Crl.M.P. No.1 of 2025 and the same was allowed and thereafter they were cross examined on 21.01.2025. Again on the same day, the present petition was filed for recalling P.W. 3 and P.W.6 for further cross examination. P.W.3 also turned hostile and thereby the defence side stated that no cross examination. PW.6 who was a doctor was also cross examined by the defence side. Therefore already witnesses were cross examined by the petitioner and again he filed petition to recall witnesses P.W.3 and P.W.6. There are no reasons stated by the petitioner for recall of above said witnesses. Therefore the trial Court has passed well reasoned order and warrants no interference by this Court.



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WEB COPY 7. In view of the same, the Criminal Original Petition has no merits and deserves to be dismissed.

8. Accordingly the Criminal Original Petition stands dismissed.
Consequently connected miscellaneous petition stands closed.

25.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
aav

To

1. The Special Court for Exclusive trial of cases under POCSO Act,
Thoothukudi, Thoothukudi District
2. The Inspector of Police
All Women Police Station
Thoothukudi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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