



Crl.O.P.(MD) No.15822 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.15822 of 2025

and

Crl.M.P(MD) No.12892 of 2025

Mahalingam

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.15 of 2020).

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the order, dated 09.05.2025 made in Cr.M.P.No. 326 of 2025 in Spl.S.C.No.13 of 2021 on the file of Fast Track Mahila Court, Ramanathapuram and set aside the same as illegal.

For Petitioner : Mr.Ramanujam.R

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition has been filed to set aside the order, dated 09.05.2025 made in Cr.M.P.No.326 of 2025 in Spl.S.C.No.13 of 2021 on the file of Fast Track Mahila Court, Ramanathapuram.

2. The petitioner is an accused facing trial in Spl.S.C.No.13 of 2021 for the offences punishable under Section 5(l), 5(j)(ii), 5(r) and 6 of POCSO Act, 2012. The petitioner filed a petition under Section 348 BNSS corresponding to Section 311 Cr.P.C for recall of PW1 and the same was dismissed on the ground that there is no valid reason to recall the victim girl/PW1 and that the victim was already cross examined on 05.10.2021.

3. The learned counsel for the petitioner would submit that the petitioner fell sick in between and there was a change of counsel and the new counsel had suggested that the victim had to be cross examined further. He would further submit that since the victim has now become a major, the bar under Section 33(5) of POCSO Act, would not be applicable.

4. The learned Additional Public Prosecutor, per contra, would submit that the victim was examined in chief on 09.03.2021 and after the petitioner



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filed the petition for recall, she was recalled and cross examined on 05.10.2021 elaborately. Further, the change of counsel would not be a ground for entertaining the petition for further cross examination.

5. He would further submit that the petitioner has been absconding for a period of two years and therefore, the learned Sessions Judge was rightly dismissed the petitioner's application.

6. It is seen from the records that the victim was elaborately cross examined on 05.10.2021. In fact, the cross examination was not done on the date of examination in chief. Only on the recall petition, the petitioner was permitted to cross examine the victim.

7. This Court also perused the cross examination, which has been done elaborately. It is also seen that the petitioner was absconding for a period of two years. In the present application filed before the learned Sessions Judge, the only reason stated is that the petitioner engaged another counsel, who had suggested further examination. There is absolutely no reason furnished in the present petition as to why further cross examination is required after elaborate cross examination was done earlier. The change of counsel would not be a



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ground for recalling the witness for further cross examination. Hence, this Court is of the view that the impugned order passed by the learned Judge is just in accordance with law and there is no reason to interfere with the same.

8. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

22.09.2025

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

Indu

To

- 1.The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu

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