



Crl.O.P.(MD)No.17192 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17192 of 2025

and

Crl.M.P.(MD).No.14000 of 2025

Muniyapparaja

... Petitioner/Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Chatrapatti Police Station,
Dindigul District.
(Crime No.100/2024)

... Respondent/Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to to set aside the order dated 02.09.2025 passed by the Learned Court of the Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul in Crl.M.P.No.512 of 2025 in Spl.S.C.No.153 of 2024 and direct the Learned Court of the Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul to restore the application in accordance with law.

For Petitioner : Mr.S.Sarvagan Prabhu

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



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ORDER

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The petitioner seeks to set aside the impugned order passed by the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul, in Cr.M.P.No.512 of 2025 dated 02.09.2025, dismissing the petitioner's application under 348 of BNSS (corresponding to Section 311 of Cr.P.C) seeking recall of P.W.1 and P.W.2 for cross-examination.

2. The recall petition was dismissed by the learned Sessions Judge stating that it was the second petition; that the earlier petition for recall of P.W.2 and P.W.7 was allowed in part permitting recall of P.W.7 and dismissed in respect of P.W.2; and that the same was not challenged by the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 19 years; that it is a case of love affair; and that if the impugned order is not set aside, he would be put to irreparable loss.

4. Heard the learned Additional Public Prosecutor appearing for the respondent. He would submit that the reason for dismissing the petition by the learned Sessions Judge is justified and that there is no reason to interfere with the same.



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5. This Court finds that earlier when the petitioner filed Crl.M.P.No.192 of 2025 to recall P.W.2 and P.W.7, the Special Court allowed the petition in part and permitted recall of P.W.7 and dismissed with regard to recall of P.W.2 by the order dated 04.04.2025. The petitioner had not chosen to challenge the dismissal of the petition with regard to recall of P.W.2. Hence, the learned Sessions Judge is justified in rejecting the prayer for recall of P.W.2. However, it is seen that in the instant petition, the petitioner has sought for recall of P.W.1. Though the petitioner had cross-examined P.W.1 earlier, since the petitioner is facing a serious offence, this Court is inclined to grant one more opportunity to the petitioner to cross-examine P.W.1. Accordingly, the impugned order is set aside insofar as it rejects the petitioner's request for recall of P.W.1 alone and the following directions are issued:

(i) The petitioner shall cross-examine P.W.1 on the same day fixed by the learned Sessions Judge on payment of Rs.2500/- (Rupees Two Thousand and Five Hundred only) to the witness.

(ii) If the petitioner fails to comply with the above direction, the order passed by this Court would lose its efficacy.



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6. With the above observations, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

15.10.2025

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

To

- 1.The Sessions Court,
Special Court for Exclusive Trial
of cases under POCSO Act, Dindigul.
- 2.The Inspector of Police,
Chatrapatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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