



Crl.O.P.(MD)Nos.19038 and 19245 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).Nos.19038 and 19245 of 2025

and

Crl.M.P.(MD).Nos.15834 and 16075 of 2025

Crl.O.P.(MD).No.19038 of 2025

Asaipandian

... Petitioner / Sole Accused

Vs.

State of Tamil Nadu Rep. by,
The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.
In Crime No.36/2023

... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order dated 16.05.2025 passed in Cr.M.P.No.110 of 2025 in Spl.S.C.No.148 of 2023 on the file of the Learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputhur and direct the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputhur to recall P.W.1, P.W.2 for further cross examination in Spl.S.C.No.148 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputhur by allowing this Criminal Original Petition.



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... Petitioner / Sole Accused

Vs.

State of Tamilnadu Rep. by,
The Inspector of Police,
Ammappatti Police Station,
Virudhunagar District.
In Crime No.36/2023

... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order dated 25.09.2025 passed Docket order in Cr.M.P.No.242 of 2025 in Spl.S.C.No.148 of 2023 on the file of the Learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputhur and direct the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputhur to recall P.W.3 for further cross examination in Spl.S.C.No.148 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputhur by allowing this Criminal Original Petition.

For Petitioner : Mr.S.Maya Perumal

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(in both cases)

COMMON ORDER

These Criminal Original Petitions are filed to set aside the impugned orders dismissing the petitioner's applications for recall of the witnesses, P.W.1 to P.W.3 for further cross-examination.



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2. The petitioner is facing prosecution for the offence under Section 450, 376AB of IPC and Section 5(m) r/w 6 of the POCSO Act, 2012. It is the case of the petitioner that the witnesses were cross-examined and further cross-examination is necessary to elicit additional facts. The learned Judge dismissed the said petitions stating that the petitions have been filed only to delay the trial.

3. It is seen from the impugned orders and from the submission made by the petitioner that the witnesses, who are now sought to be recalled, have already been cross-examined. The petitions are also bereft of necessary particulars as to why those witnesses have to be recalled for further cross-examination. Hence, this Court finds no infirmity in the impugned orders.

4. Accordingly, the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

05.11.2025

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



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To

- 1.The Special Court for Exclusive Trial of Cases
under POCSO Act,
Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
Ammappatti Police Station,
Virudhunagar 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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