



Crl.O.P.(MD)No.19626 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19626 of 2025

and

Crl.O.P(MD) No.16431 of 2025

K.Perumal

... Petitioner

Vs.

State of Tamilnadu

Represented by the Inspector of Police,

All Women Police Station, Theni.

Crime No.34 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the order passed in Crl.M.P.No.405 of 2025 in Spl.S.C.No.44 of 2025 on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Theni and to set aside the same.

For Petitioner : Mr.K.Navaneetharaja

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

ORDER

The petitioner seeks to set aside the order passed in Crl.M.P.No.405 of 2025 in Spl.S.C.No.44 of 2025 on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Theni, dismissing the petitioner's



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application filed to recall the witness P.W.1 to P.W.8, who were examined in chief in the months of July and August 2025.

2. The learned counsel for the petitioner would submit that the petitioner is facing prosecution for the offence under Section 65(1) of BNS, 2023 and Section 5(n), 5(1) and Section 6 of POCSO Act. It is his case that the petitioner was detained under Act 14 of 1982 and was released from prison on 26.09.2025; that the witnesses, who were examined after his release were cross examined by his Counsel on the same date of examination namely P.W.9 to P.W. 11; that the case is now posted for examination of other witnesses; and that the petitioner had sought for recall all the witnesses within one month from the date of examination in chief and the instant petition is not to delay the trial.

3. The learned Additional Public Prosecutor, on instructions would submit that now the case is posted for examination of L.W.16 to L.W.23 and the total number of witnesses is 23.

4. Admittedly, the petitioner was in custody when the witnesses P.W.1 to P.W.8 were examined in chief. It appears that the cross examination was not conducted. Though the petitioner defended by a Lawyer and could have cross



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examined, it is a case of the petitioner that he could not give effective instructions to his Lawyer. Hence, this Court is of the view that one more opportunity can be given to the petitioner to recall the witnesses P.W.1 to P.W.8. Accordingly, the impugned order in Crl.M.P.No.405 of 2025 in Spl.S.C.No.44 of 2025 on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Theni, is set aside on the following directions:

(i) The petitioner shall be permitted to cross examine the witnesses P.W.1 to P.W.8 on the same day fixed by the learned Magistrate on payment of cost of Rs.5,000/- each to the witnesses. Further the petitioner shall pay Rs.5,000/- to the District Legal Services Authority, Theni. If the petitioner fails to comply with any of the directions, the order passed by this Court shall lose its efficacy.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

12.11.2025

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

Indu



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To

1. The Inspector of Police,
All Women Police Station, Theni.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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