



Crl.O.P.(MD)No.23105 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.23105 of 2025

and

Crl.M.P.(MD)No.20013 of 2025

Ravi

... Petitioner

Vs.

State of Tamilnadu through
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.29 of 2023)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Cr.M.P.No.282 of 2025 in Spl.S.C.No.151 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Srivilliputhur, Virudhunagar District dated 17.11.2025 and set aside the same under Section 348 of BNSS Act in corresponding Section 311 of Cr.P.C. Petition dismissed for recalling the witness of PW1 to PW3.

For Petitioner : Mr.R.Manickam,
Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

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Challenging the order passed by the learned Sessions Judge, Special Court for POCSO Act Cases, Srivilliputhur, Virudhunagar District in Cr.M.P.No.282 of 2025 in Spl.S.C.No.151 of 2023 dated 17.11.2025, the present Criminal Original Petition has been filed.

2. Mr.R.Manickam, learned counsel for the petitioner, submitted that the petitioner is the sole accused in Spl.S.C.No.151 of 2023. He had filed an application under Section 311 of Cr.P.C. to recall witnesses PW1 to PW3 for the purpose of cross examination. The examination in chief of PW1 to PW3 was closed on 25.09.2025. The petitioner thereafter filed an application under Section 348 of the BNSS on 24.10.2025. However, the same came to be dismissed by the learned trial Judge on the ground that the petitioner was attempting to protract the trial.

3. Further, he submitted that the petitioner's counsel appearing before the trial Court was unwell and is an ailing diabetic patient, and only because of that reason, he was unable to cross examine the witnesses. Hence, he seeks the indulgence of this court to set aside the said impugned order.



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4. Mr.S.Ravi, learned Additional Public Prosecutor, submitted that the case pertains to the POCSO Act. Being a special case, the petitioner ought to have cross examined the witnesses on the same day of chief examination. However, having failed to do so, the mercy of this Court need not be extended to the petitioner, and he sought for the dismissal of the present petition.

5. Heard the learned counsel appearing on either side, and have perused the materials available on record.

6. Considering the medical condition of the petitioner's counsel appearing before the trial court, this Court hereby set aside the impugned order dated 17.11.2025 passed in Cr.M.P.No.282 of 2025 in Spl.S.C.No.151 of 2023 by the learned Sessions Judge, Special Court for POCSO Act Cases, Srivilliputhur, Virudhunagar District, and directs the petitioner to cross examine all three witnesses on the same day i.e. on 07.01.2026, upon payment of witness batta.

7. Accordingly, this Criminal Original Petition is allowed on payment of cost of ***Rs.10,000/- (Rupees Ten Thousand only)***, to be deposited by the petitioner for establishing an E-Library, to the credit of *the MBHAA, in Indian*



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Bank, Madurai Bench of Madras High Court Branch, Account No.496038755

IFSC No.IDIB000H040, MICR Code: 625019020, within a period of one week from today, failing which this petition shall stand automatically dismissed without further reference to this Court.

8. It is made clear that the petitioner should not be permitted to seek any adjournment for cross examination, and the cross examination shall be precisely concluded on 07.01.2026.

9. Consequently, the connected Criminal Miscellaneous Petition is closed.

16.12.2025

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

1.The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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L.VICTORIA GOWRI, J.

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