APHC010542142026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 9075/2026

Between:

1. HANUMAPURAM ANJINEYYA ALIAS ANJINEYULU, S/O. HANUMAPURAM THIPPAYYA,AGED ABOUT 25 YEARS, RIO. NAGALAPURAM VILLAGE POST,NAGALAPURAM MANDAL, ANANTHAPURAMU DISTRICT - 515871.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH.AT AMARAVATHI. GUNTUR DISTRICT.
2. VICTIM GIRL, VICTIM GIRL.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High CourtDirect the Special Court for Trial of Offences under the Protection of Children from Sexual Offences (POCSO) Act, 2012, Ananthapuramu in S.C. No. 65 of 2024, to eschew the Cross-Examination of PW1 dated: 17-09-2026 and permit/allow the counsel for the petitioner to conduct cross examination of PW-1 by putting questions directly the witness/PW-1

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased stay all and further proceedings in Sessions Case

No. 65 of 2024 on the file of the Special Court for Trial of Offences under the Protection of Children from Sexual Offences (POCSO) Act, 2012, Ananthapuramu, Pending disposal of the main Criminal Petition

Counsel for the Petitioner/accused:

1. N RANGA REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

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ORDER:

Heard learned counsel for the petitioner as well as learned Assistant Public Prosecutor for Home.

2. As seen from the record, basing on the report of victim girl, who was a minor as on the date of the incident, a case in Cr.No.81 of 2024 was registered and after completion of the investigation, the Investigating Officer laid charge sheet of the offences punishable under Sections 354-D, 366-A, 343 & 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 against the petitioner. During Trial, after completion of chief-examination of PW.1, when the learned counsel for the petitioner started directly posing questions to the victim girl, the learned Special Judge objected to the same in view of Section 33(2) of the POCSO Act and instructed the learned counsel for the petitioner/accused to communicate the questions to be put to the victim to the Court, which shall, in turn, put those questions to the witness. Since the learned counsel for the petitioner did not accept the same on the ground that, as on the date of the alleged incident, the witness was a minor and subsequently she attained majority, the learned Special Judge closed the cross-examination of PW.1.

3. The object of this provision is to protect the victim from aggressive questioning and harassment while preserving the accused's right to a fair trial. Section 33(6) prohibits aggressive questioning and character assassination of the child. At the same time, these safeguards cannot be employed to render cross-examination ineffective or to deprive the accused of a reasonable opportunity to challenge the prosecution evidence.

4. Learned counsel for the petitioner relied upon the judgments in ***Jasaram Pander V. State of Rajasthan, Dr. Manjula V. State (Govt. of NCT of Delhi) and Mahammad Ali Akbar V. State of Karnataka***.

5. Admittedly, the accused has a right to fair trial under Article 21 of the Constitution, which includes a meaningful opportunity to cross-examine the prosecution witnesses. Cross-examination is an important means of testing the veracity of testimony and eliciting facts relevant to the defence.

6. Learned counsel for the petitioner as well as the learned Assistant Public Prosecutor fairly submitted that this Criminal Petition may be disposed of with a liberty to the petitioner to file a petition under Section 311 of Cr.P.C. before the Trial Court, to recall the evidence of PW.1.

7. Recorded the said submissions.

8. In the result, this Criminal Petition is disposed of, granting liberty to the petitioner to approach the learned Trial Court and file petition under Section 311 of Cr.P.C. to recall the evidence of PW.1 to meet the ends of justice.

As a sequel thereto, pending miscellaneous petitions, if any, in this Criminal Petition shall stand closed.

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SUNITHA GANDHAM,J

Date: 14.10.2026
Note: Issue C.C.by 16.10.2026
B/o
SSA

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THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

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Date: 14.10.2026
SSA