



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR JUSTICE **A.D.JAGADISH CHANDIRA**

CRL OP No. 1356 of 2026
and Crl.M.P.No.817 of 2026

Krishnamoorthy

..Petitioners

Vs

The State Rep. by
The Inspector of Police,
AWPS, East, Coimbatore City.
Cr.No.15 of 2024)

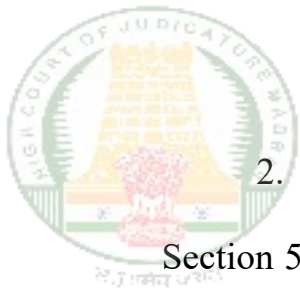
..Respondent(s)

Criminal Original Petition filed under Section 528 BNSS, 2023, to set aside the order passed in C.M.P.No.712 of 2025 dated 26.11.2025 in Spl.S.C.No.263 of 2024 on the file of Principal Special Court for exclusive trial of cases under the POCSO Act, Coimbatore, pending disposal of the above Criminal Original Petition.

For Petitioner : Mr.A.Ram Kumar
For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The present Criminal Original Petition has been filed to set aside the order dated 26.11.2025 passed in Crl.M.P.No.712 of 2025 in Spl.S.C.No.263 of 2024 by the Sessions Judge, Principal Special Court for Exclusive Trial of cases under the POCSO Act, Coimbatore, which was filed under Section 348 of BNSS, to recall P.W-2 and P.W-2 for the purpose of cross-examination.



2. The petitioner is an accused facing trial for the charges under Section 5(l)(m)(n) r/w. 6 of the POCSO Act, 2012 and Sections 376 and 342 of IPC. P.W.-1/*de facto* complainant is the mother of the victim. P.W-2 is the victim. The petitioner had filed an application in Crl.M.P.No.712 of 2025 in Spl.S.C.No.263 of 2024 to recall the witnesses viz., P.W-1 and P.W-2 for the purpose of cross-examination. The trial Court had dismissed the said application. Challenging the same, the present Criminal Original Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the husband of P.W-1 and the father of P.W-2 and steps have been taken for re-union and therefore, the petition for recalling P.W-1 and P.W-2, was filed.

4. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner is the father of the victim and he has committed penetrative sexual assault on the victim and hence, the case came to be registered. He further submitted the witnesses have been cross-examined at length. The trial Court, finding that the witnesses have already been cross-examined at length and that the victim cannot be repeatedly called for, for the purpose of cross-examination in view of the bar under Section 33(5) of the POCSO Act, had dismissed the application. Therefore, he prayed for dismissal of this Criminal Original Petition.



5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6. Admittedly, the victim is four years old. The trial Court, rightly finding that both the witnesses viz., P.W-1 mother of the victim and P.W-2 victim herself, have already been cross-examined at length and now, they cannot be recalled, had dismissed the application. This Court finds no infirmity or error in the order of the trial Judge and hence, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

23-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRM

To

1. The Sessions Judge,
Principal Special Court for Exclusive Trial of cases under the POCSO Act,
Coimbatore.
2. The Inspector of Police,
AWPS, East, Coimbatore City.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

SRM

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