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Crl.O.P.No.2699 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM:

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

Crl.O.P.No.2699 of 2026
and Crl.M.P.No.1869 of 2026

Karikalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS East,
Coimbatore City. (Crime No.3 of 2023)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, to set aside the order passed on 21.07.2025 made in Crl.M.P.No.198 of 2025 in Spl.C.C.No.83 of 2024 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, in Crl.M.P.No.198 of 2025 in Spl.C.C.No.83 of 2024 on 21.07.2025.



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2. The brief facts of the case are as follows:-

2.1. The petitioner is an accused facing trial in Spl.C.C.No.83 of 2024, before the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, for the offences punishable under Sections 11(1) & 12 of the POCSO Act and Section 354A(1)(i) of IPC, in Crime No.3 of 2023, on the file of the respondent police.

2.2. In the said case, the petitioner/accused filed a petition under Section 311 Cr.P.C., in Crl.M.P.No.198 of 2025 seeking to recall witnesses, PW1 to PW8 for cross-examination. The learned Sessions Judge, vide order dated 21.07.2025, allowed the said petition, on payment of costs of Rs.3,000/- to each of the witnesses, on or before 28.07.2025. Since the petitioner could not comply with the conditions imposed in the said order due to his poor financial background, the petitioner has come up with the present petition.

3. Learned counsel appearing for the petitioner submitted that due to advocates' boycott, the petitioner was not given effective legal advice and hence, he was unable to cross-examine the witnesses on the day they were examined in chief. Subsequently, the petitioner had filed a petition under Section 311 Cr.P.C. seeking to recall the witnesses, PW1 to PW8 and



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the learned Sessions Judge had allowed the same, however, on payment of costs. He further submitted that the petitioner is working as a daily wager and that due to his penurious condition, he was unable to raise funds to comply with the condition imposed by the learned Sessions Judge and therefore, the said recall petition came to be dismissed. He also submitted that, apart from this case the petitioner is also facing trial in three other cases and even in those cases, the learned Sessions Judge had directed the petitioner to pay costs of Rs.3,000/- to each of the witnesses. However, he submitted that the petitioner has now raised funds. Hence, he prays to set aside the order dated 21.07.2025.

4. Learned Government Advocate (Criminal Side), on instructions, submitted that petitioner is working as a daily wager/food delivery boy and that there are totally 15 witnesses in this case and the case now stands posted to 12.02.2026 for examination of further witnesses.

5. Having heard the learned counsel appearing on either side and perused the materials available on record, this Court is of the opinion that though there had been certain lapses on the side of the petitioner, the amount of Rs.3,000/- fixed as costs to be paid to each witness is on the higher side.



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6. Therefore, the impugned order dated 21.07.2025 in Crl.M.P.No.198 of 2025 stands set aside. The amount of Rs.3,000/- imposed as costs to be paid to each of the witnesses is reduced to Rs.1,000/- to each of the witnesses and therefore, the petitioner shall deposit an amount of Rs.8,000/- (Rs.1,000/- * 8 witnesses) to the credit of Spl.C.C.No.83 of 2024 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, on or before **11.02.2026**. On such deposit being made, the trial Court, shall recall PW1 to PW8 and fix a date for appearance of the witnesses. The petitioner shall cross-examine the witnesses on the same day of their appearance before the trial Court. In the event of the petitioner failing to cross-examine the witnesses on the day of their appearance, he would lose further chance of cross-examination.

7. Accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

05.02.2026

Neutral Citation: Yes/No
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Note : Issue order copy today (05.02.2026)



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To

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



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A.D.JAGADISH CHANDIRA, J.

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***Crl.O.P.No.2699 of 2026
and Crl.M.P.No.1869 of 2026***

05.02.2026