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CrI.O.P.No.2007 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

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

CrI. O.P. No.2007 of 2026

and

CrI.M.P.No.1314 of 2026

Karikalan

..Petitioner

Vs

The State represented by
the Inspector of Police
AWPS East, Coimbatore City.
Crime No.22 of 2023.

..Respondent

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 CrI.M.P.No.197 of 2025 in Spl.C.C.No.82 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.Santhosh
Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed to set aside the order passed on 21.07.2025 made in CrI.M.P.No.197 of 2025 in Spl.C.C.No.82 of 2024 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.



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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.S.C.No.82 of 2024 before the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, for the offences punishable under Sections 7, 8, 11(4) & 12 of the POCSO Act, in Crime No.22 of 2023, on the file of the respondent Police.

2.2. In the said case, the petitioner/accused filed a petition in CrI.M.P.No.197 of 2025 under Section 311 Cr.P.C., to recall witnesses, PW1 to PW9. The learned Sessions Judge, vide order dated 21.07.2025, had allowed the petition, on payment of cost of Rs.3,000/- to each of the witnesses, to be paid on or before 28.07.2025. Since the petitioner could not comply with the conditions imposed in that order, due to his poor financial background, the petition came to be dismissed. Aggrieved over the same, the present petition has been filed.

3. The learned counsel 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. Subsequently, the petitioner had filed a petition to recall the witnesses, PW1 to PW9. He further submitted that the petitioner is working as a delivery boy in Swiggy and that he was unable to raise funds. Apart from this case, the petitioner is also facing 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. He would submit that the petitioner, due to his poor financial background, was unable to raise funds and therefore, the petition came to be dismissed. He would submit that the petitioner has now raised funds. Hence, he prays to set aside the order dated 21.07.2025.

4. The learned Government Advocate (Criminal Side), on instructions from Ms.D.Jency Remine (WPC 2675), All Women Police Station (East), Chennai, submitted that petitioner was working as a delivery boy in a food delivery company and that there are totally 15 witnesses in this case and the case now stands posted to 04.02.2026 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 on each witnesses is on the higher side. Therefore, the impugned order dated 21.07.2025 in Crl.M.P.No.197 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.9,000/- (Rs.1000/-x 9 witnesses) to the credit of Spl.C.C.No.82 of 2024 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, on or before 03.02.2026 On



such deposit being made, the trial Court, on 04.02.2026, shall recall PW1 to PW9 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.

6. The Criminal Original Petition stands disposed of accordingly. Consequently, connected miscellaneous petition is closed.

30-01-2026

Neutral Citation: Yes/No

MRN

Note: Issue Order Copy by 02.02.2026

To

1. The Inspector of Police,
AWPS East, Coimbatore City.
Crime No.22 of 2023.

2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

MRN

Crl. O.P. No. 2007 of 2026

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