



Crl.O.P.No.5006 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.5006 of 2026

Vignesh

... Petitioner

Vs.

State rep., by
The Inspector of Police,
Tiruvannamalai All Women Police Station,
Tiruvannamalai District.
(Crime No. 13 of 2023)

... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed by the Sessions Judge, Special Court of Exclusive Trial of Cases under POCSO Act in Crl.M.P.No.1302 of 2025 in SPL.S.C.No.11 of 2024 dated 08.12.2025.

For Petitioner : Mr. R. Ganesh

For Respondent : Mr. Leonard Arul Joseph Selvam,
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to set aside the order passed by the Sessions Judge, Special Court of Exclusive Trial of Cases under POCSO Act, Tiruvannamalai in Crl.M.P.No.1302 of 2025 in SPL.S.C.No.11 of 2024 dated 08.12.2025.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. Considering the submissions made and on perusal of the materials available on record, it is seen that the petitioner who is facing trial in Spl.S.C.No.11 of 2024, has filed a petition under Section 311 Cr.P.C., to recall PW.1 and PW2, who are the victim and the victim's mother. Though they were cross-examined on 25.08.2025, during the cross-examination certain vital questions were left out and were not put to the witnesses. It is further submitted that there is no serious objection to their relationship from either of there parents.



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4. In fact, PW.1 and PW.2 had also appeared before this Court and stated that they have no serious objection to the contention of the petitioner. Admittedly, PW.1 is a few months short of attaining majority and both have confirmed that PW.1 will marry the petitioner after attaining majority, which has also been approved by PW.2. These aspects are required to be put to the witnesses. In view of the same, this case cannot be considered as a regular case where the rigour of Section 33(5) of POCSO Act would apply.

5. In view of the no objection expressed by the PW.1 and PW.2, this Court is inclined to set aside the order passed in Crl.M.P.No.1302 of 2025 in Spl.S.C.No.11 of 2024 dated 08.12.2025.

6. Accordingly, this Criminal Original Petition is allowed.

7. The trial Court is directed to issue summons to PW.1 and PW.2 and permit the petitioner to further cross-examine the witnesses.

06.03.2026

Neutral Citation: Yes/No
AT

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M.NIRMAL KUMAR, J.

AT

To

- 1.The Sessions Judge, Special Court of Exclusive Trial of Cases
under POCSO Act, Tiruvannamalai.
- 2.The Inspector of Police,
Tiruvannamalai All Women Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor,
High Court of Madras.

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