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Crl.O.P. No. 6958 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 6958 of 2026

&

Crl.M.P. No. 5042 of 2026

Abdul Munaf @ Yunas

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Ranipet All Women Police Station,
Crime No. 7 of 2023.

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to set aside the dismissal order dated 24.02.2026 passed in Crl.M.P. No. 286 of 2026 in Spl. S.C. No. 48 of 2024 by the Principal Sessions Court, Ranipet District.

For Petitioner :: Mr.G. Ashok Kumar

For Respondent :: Mr.Leonard Arul Joseph Selvam
Addl. Public Prosecutor



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O R D E R

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The petitioner/accused, who is facing trial in Spl.S.C. No. 48 of 2024 before the Principal Sessions Court, Ranipet District, filed a petition under Section 311 Cr.P.C. in Crl.M.P. No. 286 of 2026 to recall P.W.s 1 to 12 and by order dated 24.02.2026, the said petition came to be dismissed. Hence, the present criminal original petition.

2. The gist of the prosecution case is that the petitioner had sexually assaulted the victim girl, blackmailed and tried to kidnap her for which, based on the complaint lodged by the father of the victim, an FIR in Crime No. 7 of 2023 came to be registered initially for offences under Section 366(A) IPC, Section 7 r/w Section 8 of POCSO Act and Sections 67(B) and 66(E) of IT Act by the respondent Police and subsequently, altered to Section 7 r/w Section 8 of POCSO Act, Sections 363, 506(i) IPC and Section 67 of IT Act; on completion of investigation, the charge sheet was filed for the aforesaid offences and the case was taken on file in Spl.S.C. No.48 of 2024 by the Principal Sessions Court, Ranipet District. Further, during the course of trial, the petitioner filed a petition under Section 311 Cr.P.C. to recall P.W.s 1 to 12 on the ground that the cross-examination



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done by the erstwhile counsel was not satisfactory; that he had engaged a new counsel and in order to effectively defend his case, it is necessary to recall P.W.s 1 to 12 for further cross-examination. However, the Trial Court, by the order under challenge, dismissed the said petition. Hence, the present criminal original petition.

3. It is the submission of the learned counsel for the petitioner that the petitioner and the victim girl P.W.2 were in love with each other, which was objected to by the family members. Hence, a false complaint was lodged against the petitioner as though the petitioner had kidnapped the victim girl and also made inappropriate touch. He further submitted that in this case, after the registration of the case, the victim had forced the petitioner and took him away. To prove these facts, the petitioner wants to recall P.W.s 1 to 12. Further, it is submitted that the erstwhile counsel had not cross-examined the witnesses to the satisfaction of the petitioner and therefore, a new counsel has been engaged and the present counsel wants to recall those witnesses to formulate and strengthen the defence of the petitioner.



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4. Heard the learned Additional Public Prosecutor for the respondent and perused the materials on record.

5. From a perusal of the impugned order, it is seen that P.W.s 1 and 2 were examined on 02.11.2023; P.W.s 3 and 4 were examined on 03.11.2023; P.W.5 was examined on 16.11.2023; P.W.s 6 and 7 on 12.03.2024; P.W.8 was examined on 29.04.2024; P.W.9 was examined on 21.05.2024; P.W.10 was examined on 23.10.2025; P.W.11 on 10.11.2025 and P.W.12 was examined on 04.02.2026. The observation of the Trial Court is that the 311 petition was filed only to protract the trial and further, the witnesses have already been cross-examined. In view of the same, this Court is not inclined to entertain this criminal original petition and the same is dismissed.

6. If the petitioner intends to prove the subsequent facts and also the exclusive facts between the petitioner and the victim, the petitioner can very well get into the box and depose or examine any other defence witness, if so desires. Connected miscellaneous petition is closed.

23.03.2026

Neutral Citation: Yes/No
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1. The Inspector of Police,
Ranipet All Women Police Station.
2. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR,J.

nv

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