



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6382 of 2026

and

CRL.MP No.4698 of 2026

Jeeva

Petitioner(s)

Vs

The State rep, by
Inspector of Police,
All Women Police Station,
Cheyyar, Tiruvannamalai District.
Crime No.15/2023.

Respondent(s)

PRAYER: Criminal original petition filed under Section 528 of BNSS to call for the records in order passed in CrI.M.P.No.1244 of 2025 in Spl.S.C.No.107/2023, dated 02.12.2025 on the file of Special Court For Exclusive Trial of Cases Under POCSO Act, Tiruvannamalai, and set aside the same.

For Petitioner(s): Mr.B. Jawahar

For Respondent(s): Mr. Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

This criminal original petition is filed to call for the records relating to the order dated 02.12.2025 passed in CrI.M.P.No.1244 of 2025 in



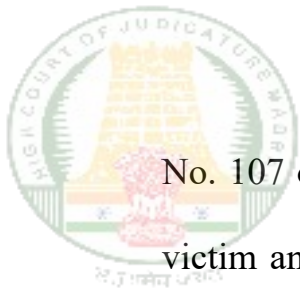
Spl.S.C.No.107/2023 by the Special Court For Exclusive Trial of Cases Under POCSO Act, Tiruvannamalai, and set aside the same.

2. The gist of facts that led to the filing of this petition is that the petitioner had a love affair with the victim girl/P.W.1. Though the petitioner wanted to marry the victim girl, she was not willing and when the petitioner threatened her, she lodged a complaint with the respondent Police. A case in Crime No. 15 of 2023 came to be registered for the offences under Sections 341, 294(b), 354(D), 506(i) IPC and Sections 11(4) and 12 of POCSO Act. The respondent Police filed the charge sheet before the Special Court For Exclusive Trial of Cases Under POCSO Act, Tiruvannamalai and the same was taken on file as Spl.S.C. No. 107 of 2023.

3. After the commencement of trial, P.W.1, the victim and P.W.s2, the victim's father were examined in chief on 26.09.2025. During the course of chief examination of P.W.1, the prosecution had marked a new document as Ex.P2, which was not furnished to the petitioner under Section 207 Cr.P.C and therefore, the petitioner was not able to cross-examine P.W.s 1 and 2 on that day. Thereafter, when the petitioner was furnished with copies of Ex.P2, he filed a petition in Crl.M.P. No. 2144 of 2025 under Section 311 Cr.P.C. before the Trial Court to recall P.W.s 1 and 2 for the purpose of cross-examination, which came to be dismissed by the order under challenge. Hence, the present petition.

4. Heard both sides.

5. It is seen that the petitioner/accused, who is facing trial in Special S.C.



No. 107 of 2023, filed a petition under Section 311 Cr.P.C. to recall P.W.1, the victim and P.W.2, the victim's father, who were examined on 26.09.2025. It is seen that a new document Ex.P2 was marked through P.W.1 on that day and it is not in dispute that the said document was not furnished to the petitioner under Section 207 Cr.P.C. The petitioner was taken aback when the said document was first produced before the Court and the petitioner had also objected to the same. Further, denying the petitioner the right of cross-examination with regard to the said document would gravely prejudice the petitioner.

6. For the above reasons, this Court is of the view that the reasoning given by the Trial Court to dismiss the petition filed under Section 311 Cr.P.C. citing the judgment in *Vinothkumar V. State of Punjab ((2015) 3 SCC 220)* and Section 33(5) of POCSO Act is not proper on the facts of the case.

7. In the result, the order dated 02.12.2025 passed in Crl.M.P. No. 1244 of 2025 in Spl.S.C. No. 107 of 2023 is set aside and the criminal original petition is allowed. It is stated that the case is pending trial. Therefore, P.W.s 1 and 2 to be recalled and on the date of their appearance, the petitioner shall cross-examine the witnesses without seeking any further adjournment and without any delay.

12-03-2026

Neutral Citation: Yes/No
nv



M. NIRMAL KUMAR,J.

nv

WEB COPY

1.Special Court For Exclusive Trial of
Cases Under POCSO Act,
Tiruvannamalai.

2.The Inspector of Police,
All Women Police Station,
Cheyyar, Tiruvannamalai District.
Crime No.17/2023.

3.The Public Prosecutor
High Court, Madras.

CrI.O.P. NO. 6382 of 2026



WEB COPY

5/5

CRL OP No. 6382 of 2026



12.03.2026