



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 11359 of 2026
and Crl.M.P.No.8083 of 2026**

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Mani @ Jeganathan
S/o . Antony,
Mathakoil Street, Erudaiyapuram,
Villupuram.
Now residing at,
Opp to Avani Bakery,
Sungam Ground,
Market Road ,
Irugur,
Coimbatore.

..Petitioner(s)

Vs

The State represented by The Inspector of Police
AWPS East, Coimbatore City.
(Crime No. 28/2024)

..Respondent(s)

Criminal Original Petition is filed under Section 528 of BNSS, to set aside order dated 07.01.2026 made in Crl.M.P.No.242 of 2025 in SPL.SC.No.241 of 2024 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, by allowing this petition

For Petitioner(s):

Mr. R.Prabakar

For Respondent(s):

Mr.R.Rajasekaran
Counsel for Govt. of Tamil Nadu
(Criminal Side)



ORDER

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The petitioner / accused facing trial in Spl.S.C.No.241 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, for the offences punishable under Section 11(i) r/w. 12 of POCSO Act, 2012, had filed this petition to set aside the order of the trial Court rejecting the petition filed by the petitioner for examination of further witnesses.

2. The contention of the petitioner is that he is a Mason and met with an accident long back. Due to which he is affected with hidrosis issue for the past 20 years and he is not able to control the urine all the times and he used to fix a balloon or like materials to his private part to save the urine which is passing without his control. On 29.06.2024 while he was working at the first floor of a building in Ondipudur Main Road, Irugur, Coimbatore, the victim girl came there and saw the balloon like material fixed in the private part of petitioner and later she had informed her parents that the petitioner had shown his private part to her. Hence a complaint was lodged against the petitioner and he was arrested.

3. The learned counsel for the petitioner submitted that the petitioner's request during the examination and at the time of remand that he should be examined by a Medical Doctor to prove his medical condition was rejected and hence his explanation with regard to his medical condition could not be



substantiated. Hence the petitioner had filed a petition under Section 53(1) of BNSS in Crl.M.P.No.242 of 2025 seeking permission to undergo medical examination. The trial Court, without considering the petitioner's request, had dismissed the petition. Against which the present petition is filed.

4. The learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that the petitioner's defense is an after thought. When the petitioner was examined by the respondent police initially or when he was produced before the trial Court, he had not made any request to undergo medical examination. Further, though the petitioner claims that he met with an accident 20 years back and suffered injuries on his private part, he had not produced any medical record to substantiate his claim. This petition is filed only to protract the trial and to delay and derail the trial process.

5. Heard both sides and perused the materials available on record.

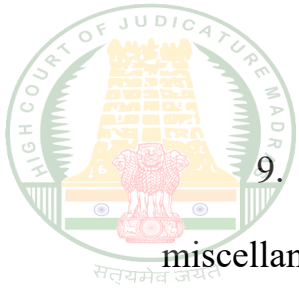
6. Considering the submission on either side and on perusal of materials, it is seen that in this case P.W.1 to P.W.3 were examined. P.W.1 and P.W.3 are the mother and father of the victim girl respectively and P.W.2 is the victim. Both P.W.1 and P.W.3 in their evidence admitted that P.W.2 had informed that the petitioner had squeezed a balloon like material which the petitioner contends that the balloon like material is fixed to his private part only to collect the



uncontrolled urination as he is suffering from hidrosis. The petitioner's only plea is that he may be referred for medication examination to a Government Medical College and Hospital and confirm that he is suffering from hidrosis and that the balloon like material is attached to his private part only to collect the uncontrolled urination.

7. In this case, admittedly, prior to the remand or after the remand, the petitioner was not produced for medical examination as per Section 53 of BNSS. In view of the above there was no reason or occasion to confirm the petitioner's medical condition and the petitioner is now seeking to undergo a medical examination and that too in a Government Medical College and Hospital. In view of the same, this Court finds that the rejection by the trial Court is not proper.

8. This Court directs that the petitioner has to be permitted to undergo medical examination in the Government Medical College and Hospital, Coimbatore and the concerned Doctor has to examine the petitioner whether he is suffering from hidrosis and uncontrolled urination and to give a report. The entire process to be completed within a period of three weeks from the date of receipt of a copy of this order.



9. Accordingly, this Criminal Original Petition is disposed. Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

BKN

To:

1. The Inspector of Police
AWPS East, Coimbatore City.
(Crime No. 28/2024)

2. Special Court for Exclusive Trial of Cases under POCSO Act
Coimbatore.

3. Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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