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CRL OP No. 14374 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14374 of 2026

Raman

..Petitioner(s)

Vs

State By,
The Inspector of Police
Arni All Women Police Station,
Thiruvannamalai District.
Crime.No.09 of 2024

..Respondent(s)

To Set aside the Order dated 23.03.2026 in Cr.M.P.No.1164 of 2025 in Spl.S.C.No.93 of 2024 on the file of The Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai and pass suitable other orders as this Honble Court deem fit and thus render justice.

For Petitioner(s): M/s.S.Silambu Selvan

For Respondent(s): Mr.A.Amarnath,
Government Advocate (Crl. Side)

ORDER

The petitioner/accused, who is facing trial in Spl.SC.No.93 of 2024 for the offence punishable under Sections 294(b), 506(ii), 323, 354A(2), 354B IPC and 8 r/w 7 of POCSO Act, filed a petition in Cr.MP.No.1164 of 2025 to recall



PW4, who is the father of the victim. The Trial Court by order dated 23.03.2026 dismissed the same, against which, the present petition has been filed.

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2. The learned counsel for the petitioner submitted that the petitioner and PW4 are adjacent landowners and that disputes exists between them with regard to a common pathway and rights. Owing to such dispute, a wordy quarrel arose between them and a false case has been foisted against him alleging that he abused, assaulted and inappropriately touched the daughter of PW4. He further submitted that in this case, all the witnesses have been cross examined without delay except PW4. The Trial Court while dismissing the petition to recall, treated PW4 as a vulnerable witness and referred to Section 35(2) of POCSO Act, observing that the trial to be completed within a period of one year. According to the learned counsel for the petitioner, such reasoning is unsustainable, particularly when the case has remained pending for more than a year after filing of the final report. He further submitted that now the case is posted for examination of LW15 and LW16, who are Sub Inspector and Inspector of Police, and the petitioner may be permitted to cross examine PW4 on that day or any day thereafter.

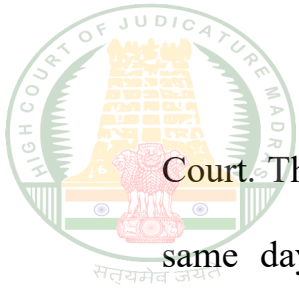
3. The learned Government Advocate (Crl. Side) opposed the petition and submitted that PW3 and PW4 were examined on 20.09.2025. Though the petitioner cross examined PW3 on the said date, no cross examination was



conducted in respect of PW4. Therefore, the explanation now offered by the petitioner that his counsel fallen ill on that day is not proper. He fairly submitted that with regard to other witnesses, the petitioner had cross examined without any delay and now the case is posted for examination of LW15 and LW16 on 11.06.2026.

4. Considering submissions made on either side and perusal of materials, it is seen that PW4 is the father of the victim. The petitioner and PW4 are adjacent landowners and there seems to be some dispute with regard to sharing of pathway and rights. In that view of the matter, cross examination of PW4 assumes significance, as it would afford the petitioner an opportunity to place his defence before the Court and to test the veracity and credibility of the witness. It is settled principle that cross-examination is an essential component of a fair trial and serves as an effective means of ascertaining the truthfulness or otherwise of the testimony of a witness.

5. In view of the same, this Court is inclined to set aside the order dated 23.03.2026 in Cr.M.P.No.1164 of 2025 in Spl.S.C.No.93 of 2024, passed by the Trial Court and recall PW4 on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand only) to PW4 on the date of his appearance before the Trial Court. PW4 shall appear before the Trial Court on the next hearing date i.e, 11.06.2026 or any other date as may be fixed by the Trial



Court. The petitioner shall complete the cross examination of PW4 on the very same day of his appearance and shall not seek any further adjournment.

Accordingly, this Criminal Original Petition is allowed.

08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act, Tiruvannamalai
2. The Inspector of Police
Arni All Women Police Station,
Thiruvannamalai District.
Crime.No.09 of 2024
3. The Public Prosecutor,
High Court, Madras.

Note: Issue Order Copy on 09.06.2026.



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M.NIRMAL KUMAR, J.

PVS

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