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CRL OP No. 15238 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 15238 of 2026
and CRL.MP.No.9886 of 2026**

Sham Arulraj

..Petitioner(s)

Vs

State rep.by,
The Inspector of police,
All Women Police Station,
Tiruvannamalai town,
Tiruvannamalai District.
Cr.No.01/2024.

..Respondent(s)

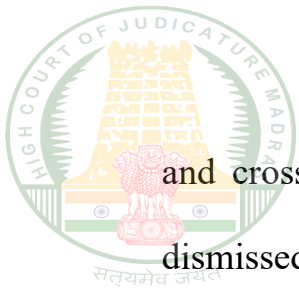
To allow the above criminal original petition by setting aside order dated 04.03.2026 passed in Crl.MP.No.67 of 2026 in Spl.SC.No.38 of 2025 on the file of Court of Special court for Exclusive trial of cases under POCSO Act, Tiruvannamalai.

For Petitioner(s): Mr.S.Sriram

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

ORDER

The petitioner/accused, who is facing trial in Spl.SC.No.38 of 2025 for the offence under Sections 354 D, 341, 506(ii), IPC and Sections 11(4), 11(5), and 12 of POCSO Act, had failed to cross examine PWs.1 to 3. Subsequently, he filed a petition in Crl.MP.No.67 of 2026 under Section 311 Cr.P.C. to recall

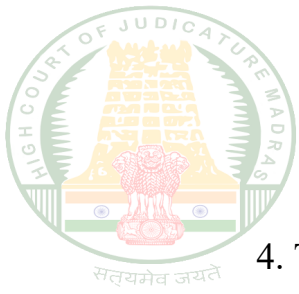


and cross-examine PWs.1 to 3. The Trial Court by order dated 04.03.2026 dismissed the petition. Challenging the same, the present petition has been filed.

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2. The prosecution case, in brief, is that the petitioner and the victim, both students, were in a love relationship and used to meet and communicate with each other after school hours. It is alleged that on one occasion, while they were together, the petitioner handed over his mobile phone to his friends, who photographed them. The petitioner subsequently uploaded the photographs on Instagram. The photographs were allegedly seen by the victim's parents and were thereafter deleted. The prosecution further alleges that when the victim decided to discontinue the relationship, the petitioner compelled her to continue the same and threatened to upload the photographs and conversations on social media, leading to the registration of the present case.

3. The learned counsel for the petitioner submitted that both the petitioner and the victim were teenagers and were involved in a consensual love relationship and he never committed any act constituting sexual assault with sexual intent. According to the petitioner, the photographs were uploaded not knowing its seriousness and the consequences. It was further contended that the victim's parents were aware of the relationship, however, the complaint has been projected as though the petitioner had forced the victim to continue the relationship.



4. The learned counsel further submitted when PWs.1 to 3 were examined on 25.09.2025, the petitioner was not in possession of the relevant materials pertaining to the nature of relationship between the petitioner and the victim, which would demonstrate that he had never compelled the victim to continue the relationship and both of them were voluntarily involved in a love relationship. It was contended that such materials are now available and are necessary for effectively confronting the witnesses during cross-examination.

5. The learned Government Advocate (Crl. Side) submitted that as per the complaint, victim and the petitioner were in love affair. Thereafter, the victim snapped her relationship and hence, the petitioner allegedly threatened her by stating that he would upload their photographs and conversations. The petitioner's mobile phone had been seized and sent for forensic examination and the report is still awaited.

6. Heard the rival submissions made on either side and perused the materials available on record.

7. It is seen that the petitioner and victim were students. They were in their teens and they had cordial relationship. Due to over enthusiasm, their speech and the pictures have been recorded and uploaded and later it was



deleted. Since the victim later snapped her relationship, the petitioner forced her to continue the relationship. The entire case revolves around the posting of photographs and recordings in the Instagram. It is seen from the case diary, the petitioner's mobile phone was sent to the Forensic Department on 01.04.2024 and that reminders have been issued, however, the forensic report has not yet been received. Though the charge sheet has been filed and 16 witnesses have been cited, no witness from the Forensic Department has been included. A perusal of the statement recorded under Section 164 Cr.P.C., indicates that the alleged threat pertains to the uploading of photographs and recordings on Instagram. Therefore, the forensic report may have a bearing on the adjudication of the issues involved in the case.

8. In the considered opinion of this Court, the petitioner, who is facing criminal charges, ought to be afforded a fair opportunity to cross-examine the material witnesses. At the same time, considering the nature of the allegations, and the importance of the pending forensic report, the recall of PWs.1 to 3 should take place only after the forensic report is received and a copy thereof is furnished to the petitioner.

9. Accordingly, the impugned order dated 04.03.2026 is set aside. The petitioner is permitted to recall PWs.1 to 3 for the purpose of cross-examination after receipt of the forensic report and after furnishing a copy of the same to the



petitioner. The petitioner shall cooperate with the trial proceedings and shall not seek unnecessary adjournments. In the meantime, the Trial Court shall proceed with the examination of the remaining witnesses in accordance with law.

10. With the above directions, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

17-06-2026

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,
All Women Police Station,
Tiruvannamalai town,
Tiruvannamalai District.
Cr.No.01/2024.

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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