

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14931 of 2026

and

CrI.MP.No.9553 of 2026

Subramani
S/o.Venkatesan,
Puthumanai, Arunthathiyar Colony,
Melpallipattu Village,
Pakkampalayam Post,
Anaicut Taluk, Vellore District.

..Petitioner(s)

Vs

State Represented by,
The Inspector of Police,
Veppankuppam Police Station,
Vellore District.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records in CrI.M.P.No.256 of 2026 in Spl.S.C.No.4 of 2024 passed by the Learned Special Judge for Exclusive Trial of Cases under POCSO Act - 2012, Vellore, Vellore District dated 04.05.2026 to examine the same and to set aside the order passed in CrI.M.P.No.256 of 2026 by dismissing the prayer to recall PW-2 and to pass such other appropriate order or orders that this Honble Court deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner(s):

Mr.R.Dileepan
FOR M/s.T.M.Naidu And Co

For Respondent(s):

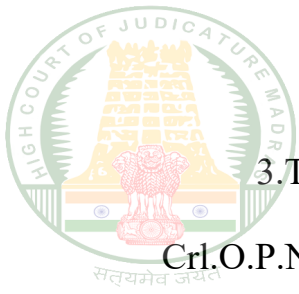
Mr.A. AMARNATH
Govt. Advocate (CRL. SIDE)

**ORDER**

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The petitioner/accused facing trial in Spl.S.C.No.4 of 2024 filed a recall petition in Crl.MP.No.256 of 2026 seeking to recall PW1 to PW6 for the purpose of cross examination. The trial Court by order dated 04.05.2026 dismissed the recall petition in respect of PW2 victim. With regard to the other witnesses i.e. PW1,3 to 6, allowed the recall petition on payment of costs, against which, the present petition filed.

2.The learned counsel for the petitioner submitted that the trial court dismissed the recall petition on the ground that PW2 was minor at the time of filing of the petition and that minor cannot be recalled and cannot be harassed. Further, Section 33(5) of the POCSO Act is a bar. The learned counsel further submitted that the victim has now attained majority and hence, she may be permitted to recall PW2 and give one chance and yet another circumstance in his favour is that at that time of examination of PW2, the petitioner was in prison and though he was produced before the trial Court at that time, his counsel was not available and his counsel had directed a colleague of him to conduct cross examination.



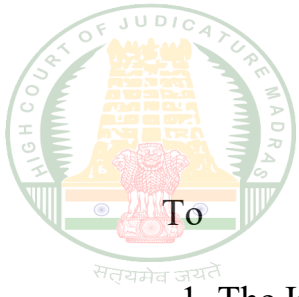
3. The learned counsel for the petitioner referring to the order passed in Crl.O.P.No.4131 of 2022, wherein, this Court considered that victim at the time of examination had attained majority and she was 21 years old, hence, Section 33(5) of the POCSO Act, 2012, would not be a bar and allowed to recall the victim in that case, hence he may be permitted. Now, the victim in this case is attained majority. Hence, similar relief may be granted.

4. On submissions made and on perusal of the materials available on record, it is seen that the trial Court by a detailed order had reasoned out and allowed the petition to recall PW1, 3 to 6. As regards PW2, the victim, it was dismissed. The citation referred by the petitioner pertains to victim, who was 21 years at the time of examination in that case. The victim was not even cross examined once. Hence, in this case, the victim has been cross examined in detail and opportunity has been availed.

5. In view of the same, this court is not inclined to entertain the criminal original petition. Accordingly, the same is dismissed.

15-06-2026

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



To

1. The Inspector of Police,
Veppankuppam Police Station,
Vellore District.

2. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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