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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6329 of 2026

and

CRL.MP.No.4658 of 2026

Vinoth

Petitioner(s)

Vs

State Rep. by
Inspector of Police,
Ramanathapuram Police Station,
Coimbatore. Crime No.1013 of 2019

Respondent(s)

PRAYER: Criminal original petition filed under Section 528 of BNSS to set aside the order passed on 27.07.2022 in Crl.M.P.No.709 of 2022 in Spl.C.C.No.44 of 2020 by the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.

For Petitioner(s): Mr.R.Radha Pandian

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

ORDER

This criminal original petition is filed to set aside the order dated 27.07.2022 in Crl.M.P.No.709 of 2022 in Spl.C.C.No.44 of 2020 by the



Principal Special Court for Exclusive Trial of cases under POCSO Act,
Coimbatore.

2. The petitioner/accused, who is facing trial in Spl.C.C. No. 44 of 2020 on the file of Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore had filed a petition under Section 311 Cr.P.C. to recall P.Ws. 1 to 4 and P.W.s. 8 to 16 for cross-examination. The Trial Court permitted the petitioner to recall and cross-examine P.W.s 2 to 4 and P.W.s 8 to 16 except P.W.1, the victim and the reason given is that the petitioner had earlier filed CrI.M.P. No. 126 of 2021 to recall P.W.1 and the same was dismissed by order dated 24.03.2021. Thereafter, other witnesses were examined in this case and some of the witnesses were cross-examined then and there while rest of the witnesses were cross-examined after recall. Though the petitioner suffered a dismissal order in CrI.M.P. No. 126 of 2021, the petitioner neither filed any revision nor took up the case to the Higher Court seeking to set aside the order. However, the petitioner has come up with a similar petition with the same prayer, which is not proper. The Trial Court had also referred to Section 33(5) of POCSO Act, while negating the prayer of the petitioner to recall P.W.1.

3. The primary contention of the learned counsel for the petitioner is that the petitioner and the victim girl were having a love affair and this fact has to be put to the victim.

4. Learned Additional Public Prosecutor would submit that the case is now posted for arguments on 17.03.2026.



5. In view of the above, this Court is not inclined to entertain this petition. This Court finds that the reasoning given by the Trial Court is proper and therefore, the criminal original petition stands dismissed. If at all, the petitioner wants to give such explanation, he can very well examine himself as a defence witness and depose in this regard. Connected miscellaneous petition is closed.

12-03-2026

Neutral Citation: Yes/No
nv

To

1. The Principal Special Court for
Exclusive Trial of cases under POCSO
Act, Coimbatore.

2. Inspector of Police,
Ramanathapuram Police Station,
Coimbatore. Crime No.1013 of 2019.

3. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

nv

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