



WEB COPY

CRL OP No. 36185 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 36185 of 2025
and Crl.M.P.No.24926 of 2025**

Anandakumar

..Petitioner

Vs

The State of Tamil Nadu Rep. by its
The Inspector of Police,
W-16 AWPS,
Pulianthope.
(Crime No.07/2024)

..Respondent

This Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order dated 04.12.2025 passed in Crl.M.P.No.1692 of 2025 in Spl.S.C.No.305 of 2024 on the file of the learned Special Court for Exclusive Trial of offences under POCSO Cases, Chennai.

For Petitioner	:	Mr.N.S.Siva Kumar
For Respondent	:	Mr.S.Santhosh Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to set aside the order of dismissal dated 04.12.2025 passed in Crl.M.P.No.1692 of 2025 in Spl.S.C.No.305 of 2024 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of offences under the Protection of Children from Sexual Offences Act Cases, Chennai.



2. The learned counsel appearing for the petitioner submitted that the petitioner is an accused facing trial for the offences under Sections 5(l) and 5(n) r/w. Section 6 of the Protection of Children from Sexual Offences Act, 2012. P.W-2 is the victim. During the course of investigation, a statement under Section 164 of Cr.P.C. was recorded on 15.06.2024. However, during the cross-examination, the victim has given a different date. Since the victim was cross-examined through video conferencing on 24.10.2025, the petitioner was unable to elicit the disputed portions as mandated under Section 145 of the Evidence Act and hence, the material contradictions were left unproved and thereby the petitioner filed an application seeking recall of the witness for the purpose of marking the disputed portion alone, whereas, the learned trial Judge had dismissed the application stating that the petition was filed only to fill up the lacunae. He further submitted that the petitioner is facing serious charges under the provisions of the POCSO Act and if the petitioner is not given a chance to cross-examine the victim, it would be a detrimental to his case.

3. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent submitted that absolutely, there is no contradiction in the evidence and the victim has clearly spoken about having given a statement under Section 164 of Cr.P.C. before the learned XVII Metropolitan Magistrate, Saidapet, Chennai. He further submitted that there is a discrepancy only in the date. However, the victim has not denied having given any



statement. In such circumstances, there is no requirement for marking the document or contradicting the statement under Section 145 of the Evidence Act.

He also submitted that the victim has been subjected to a detailed cross-examination and as per the mandate of Section 33(5) of the POCSO Act, the victim cannot be repeatedly called for, for the purpose of cross-examination.

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

5. Having gone through the evidence and the order dated 04.12.2025 in CrI.M.P.No.1692 of 2025 in Spl.S.C.No.305 of 2024 passed by the learned Sessions Judge, Special Court for Exclusive Trial of offences under POCSO Cases, Chennai, this Court finds that there is no requirement for recalling the witness and accordingly, there is no error or infirmity in the order passed by the trial Judge. Further, as per Section 33 (5), *ibid*, the victim cannot be repeatedly called for, for the purpose of cross-examination.

6. In view of the above discussion, this Criminal Original Petition stands dismissed. Consequently, connected criminal miscellaneous petition is closed.

06-01-2026

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



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A.D.JAGADISH CHANDIRA, J.

SRM

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Offences under POCSO Act Cases,
Chennai.
2. The Inspector of Police,
W-16 All Women Police Station,
Pulianthope, Chennai.
3. The Public Prosecutor,
High Court of Madras.

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