



WEB COPY

CRL RC No. 341 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL RC No. 341 of 2026
&Crl.MP.Nos.2526 & 2527 of 2026**

N.Manish
S/o. Nandha Kumar,
No.4, Kamarajar Street,
Mathiazhagan Nagar,
Saligramam, Chennai – 600 093.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Inspector of Police
W-33, All Women Police Station,
Virugambakkam, Chennai.
2. Venkatesan
S/o. Nagaiyah,
No.36/5, Pillaiyar Kovil Street,
Vadapalani, Chennai-600026.

..Respondent(s)

Prayer: This Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the adjudication order dated 19.11.2025 in Spl.S.C.No.226 of 2025 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in so far as it pertains to the refusal to entertain the discharge petition filed by the petitioner and consequently direct the trial court to number the discharge petition and hear the same.

For Petitioner(s):

Mr.Chandru @ Chandrasekar
for Mr.E.Raam Vijay

For Respondent(s):

Mr.R.Vinothraja
Government Advocate (Crl. Side) for R1



ORDER

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The Revision challenges the order dated 19.11.2025, by which the petitioner's application for discharge was rejected on the ground that the application was filed beyond the period of 60 days prescribed under Section 250(1) of the BNSS.

2.The learned counsel for the petitioner would submit that the petitioner had appeared on summons on 18.09.2025; that the case was thereafter posted for hearing on 19.11.2025; that on the said date, the petitioner filed a discharge petition, which came to be rejected by the impugned order; that the language of Section 250(1) of BNSS would make it clear that the time limit prescribed is only directory and the Court would be entitled to relax the time limit considering the facts and circumstances of the case; that in any case, since the offence under Section 9(m) of the POCSO Act was taken cognizance of by the trial Court without committal, the 60 days from the date of committal under Section 250(1) of BNSS cannot be strictly complied with since the starting point for computing 60 days time limit is not clear. The learned counsel relied upon a Judgment of the Kerela High Court in ***Crl.Rev.Pet No.879 of 2024*** dated 03.09.2024 in support of his submission.



3. Admittedly, the petitioner had appeared on summons on 18.09.2025.

The next date of hearing was fixed on 19.11.2025.

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4. Section 250 of BNSS reads as follows;

“Section 250. Discharge

(1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232.

(2) If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing”

5. In this case, there is no date of committal, as the Sessions Court has taken cognizance under the POCSO Act, which empowers the Sessions Court to take cognizance. That apart, the language employed in Section 250(1) of BNSS is “may”. The Kerala High Court in the above case cited supra has observed as follows;

“10. But the crucial aspect is lack of clarity or legislative vacuum with regard to the starting point of sixty days to file discharge petition as per Section 250(1) of BNSS, in sessions cases where no committal is possible. In this connection, it is



apropos to refer Section 262(2) of BNSS, deals with discharge of an accused in warrant trial cases which is pari materia to Section 239 of Cr.P.C. Section 262(1) is a new provision equivalent to Section 250(1) of BNSS. As per Section 262(1) of BNSS, the accused in a warrant trial case may prefer an application for discharge within a period of sixty days from the date of supply of copies of documents under Section 230. Be it so, in sessions cases where committal doesn't arise, because of the original jurisdiction conferred upon the Special Courts referred herein above, the principle in Section 262(1) of BNSS can be followed till the legislature makes the starting point in such cases with clarity and certainty, by appropriate amendment to Section 250(1) of BNSS. Thus in such cases, the starting point of sixty days can be counted from the date of supply of copies of documents.”

6.This Court is in respectable agreement with the aforesaid view of the Kerala High Court. Hence, this Court is of the view that the learned trial Judge in the instant case ought not to have dismissed the discharge petition only on the ground that it is filed beyond the period of 60 days from the date of the first appearance, more so since after obtaining the copies, the petitioner filed the discharge petition on the next hearing itself. Therefore, the impugned order is set aside and the trial Court is directed to decide the discharge petition on merits within a period of four (4) weeks from the date of receipt of a copy of this order.



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7. Accordingly, the Revision is allowed. Consequently, the connected criminal miscellaneous petitions are closed.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG

To

1. The Sessions Court,
Special Court for Exclusive Trial of Cases
under POCSO Act, Chennai.

2. The Inspector of Police
W-33, All Women Police Station,
Virugambakkam, Chennai.

3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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