



CRL OP(MD). No.554 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.554 of 2026

and

CRL MP(MD). No.604 of 2026

S.Einstein Paul

... Petitioner

Vs

State of Tamilnadu Rep by Inspector of Police,
AWPS-Cantonment Police Station,
Tiruchirappalli.
Crime No.1/2024.

... Respondent

PRAYER :-

To call for the records pertaining to the order dated 14.08.2025 passed in Crl.M.P.No.2018/2025 in Spl SC.No.62 of 2024 on the file of the learned Sessions Judge, Mahila Court, Trichy and set aside the same.

For Petitioner : Mr. B.Jameelarasu,
Advocate.

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to call for the records pertaining to the order dated 14.08.2025 passed in CrI.M.P.No. 2018/2025 in Spl SC.No.62 of 2024 on the file of the learned Sessions Judge, Mahila Court, Trichy and set aside the same.

2. Learned counsel for the petitioner submitted that the petitioner was the sole accused facing charges before the learned Sessions Judge, Mahila Court, Trichy, for the alleged offences under Sections 5(1) (5f), 6(1) Protection of Children from sexual offences Act, 2012, in Crime No.1 of 2024 filed by the file of the first respondent police. He further submitted that a petition was filed under Section 311 Cr.P.C to recall PW.1, for cross examination on the side of the accused. However, for the reason that the petitioner counsel despite present in the Court, failed to cross examine the victim on the same day of examination in chief, the learned trial court had dismissed the petition filed under section 311 Cr.P.C., without giving an opportunity to cross examination the victim and sought for indulgence of this Court.



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3. Per contra, learner Additional Public Prosecutor, submitted that the victim is a minor boy. The petitioner is a teacher who had abused the minor boy aged about 14 years while attending tuition. That apart, he also pointed out that the child is fatherless child and since the child may not be put to the harassment of attending the Court procedures again and again following the strict mandates of POCSO Act.

4. However, in response to the same, the learned counsel for the petitioner submitted that the petitioner counsel sought a short accommodation to cross examine the Victim for the purpose of getting certain instructions from the petitioner and immediately on the next day he had filed this application for cross examination. It cannot be taken by the learned Trial Court in any manner as a dilatory tactics to delay the prosecution and sort the indulgence of this Court.

5. I have considered the submissions of either side and perused the materials available on record.



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6. This Court finds it necessary that the petitioner should be given an opportunity of cross examination since the application for recall of the evidence of PW1, before the trial Court, has been filed on the very next day after the date fixed for cross examination.

7. In view of the same, the impugned order is set aside and the trial Court is directed to permit the petitioner to recall PW.1 and conclude the cross examination on the same day as fixed by the learner Trial Court on payment of Rs.15,000 to the victim.

8. In view of the submissions made by both parties, the impugned order dated 14.08.2025 passed in Crl.M.P.No.2018/2025 in Spl SC.No. 62 of 2024 on the file of the learned Sessions Judge, Mahila Court, Trichy, is set aside and the learned Sessions Judge Mahila Court, Trichy, is directed to permit the petitioner to recall P.W.1 for cross examination, on payment of a batta of Rs.15,000/- (Rupees Fifteen Thousand only) to the victim. However, it is made clear that the said exercise should be concluded on the date fixed by the trial Court and the petitioner is not permitted to seek for any adjournments.



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9. With the above direction, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition stands closed.

09.01.2026

NCC : yes / no
Index :yes /no
Internet : yes / no

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To

1.The Sessions Judge, Mahila Court, Trichy

2. Inspector of Police,
AWPS-Cantonment Police Station,
Tiruchirappalli.
Crime No.1/2024.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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ORDER
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