



CrI.O.P.(MD)No.1994 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.1994 of 2026

and

CrI.M.P.(MD)No.2224 of 2026

Reji

... Petitioner

Vs.

The State of Tamil Nadu,
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime No.16 of 2020

... Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 to set aside the partly dismissed the cross examination of the witnesses in PW1 to PW3 order dt. 07.01.2025 made in CrI.M.P. No. 604 of 2024 in Spl.S.C. No. 32 of 2020 on the file of the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari Dt. allow this criminal original petition.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondent : Mr.S.Ravi (R1)

Additional Public Prosecutor



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ORDER

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The petitioner seeks to set aside the order of partly dismissing the cross-examination of the witnesses in PW1 to PW3 vide order dated 07.01.2025 made in Crl.M.P.No.604 of 2024 in Spl.S.C.No.32 of 2020 on the file of the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari District.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the sole accused in Spl.S.C.No.32 of 2020 on the file of the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari District. He had filed an application under Section 348 of BNSS, 2023 to cross examine PW1 to PW12. However, the same was partly allowed by permitting the petitioner to cross-examine only PW4 to PW12 and rejected the request insofar as P.W.1 to P.W.3 are concerned. Hence, this petition came to be filed.

3. The learned Additional Public Prosecutor appearing for the respondent police on instructions, would submit that the present case arises under the provisions of the POCSO Act. PW1 is the victim girl aged about 5 years and PW2 and PW3 are the mother and the father of the victim girl. He also drew my attention to para 9 of the impugned order, where it is clearly stated that PW1 being the victim girl, PW2 and PW3 are the mother and father



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of the victim girl. In terms of Section 33 (5) of the POCSO Act, it is mandated that the victim girl should not be subjected to repeated examinations in trial proceedings, which would amount to affect the mental health of the victim girl. He categorically contended that there is no infirmity in the order passed by the trial Court and sought for dismissal of this petition.

4. However, in order to ensure a fair trial, the impugned order is modified by permitting the petitioner to recall PW2 and PW3 alone. The trial Court is directed to permit the petitioner to recall P.W.2 and P.W.3 for the purpose of cross-examination, subject to the petitioner filing a proper application and on payment of batta as may be fixed by the trial Court and the petitioner is directed to conclude cross-examination of PW2 and PW3 without seeking any adjournments in a single slot.

5. With the above direction, this criminal original petition stands partly allowed. Consequently, connected miscellaneous petition is closed.

03.02.2026

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Special Court for POCSO Act Cases, Nagercoil, Kanyakumari Dt.
2. The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.1994 of 2026

Dated
03.02.2026