



CrI.O.P.(MD)No.3289 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.02.2026**

CORAM:

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

CrI.O.P.(MD)No.3289 of 2026

and

CrI.MP(MD)No.3578 of 2026

Thanikodi

... Petitioner/Accused

Vs.

1.The State of Tamil Nadu rep by,
The Inspector of Police,
AWPS Police Station,
Bodi, Theni District.

... Respondent/Complainant

2.P.Thiruvani

... Respondent/Defacto Complainant

PRAYER : Petition filed under Section 447 of BNSS, 2023, to withdraw the case in Spl.S.C.No.161 of 2025, pending on the file of the learned Sessions Judge, POSCO Court, Theni District, and transfer the same to neighbouring District POCSO Act Cases.

For Petitioner : Mr.G.Thalaimuthurasu

For R1 : Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)



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ORDER

WEB COPY This criminal original petition has been filed to withdraw the case in Spl.S.C.No.161 of 2025, pending on the file of the learned Sessions Judge, POSCO Court, Theni District, and transfer the same to neighbouring District POCSO Court.

2. Considering the nature of the relief sought for, notice to the 2nd respondent is dispensed with.

3. The learned counsel for the petitioner categorically contended that the trial was not conducted in a fair manner. The petitioner was not allowed to put questions at the time of cross examination of the victim, who was examined as PW.1. When the victim girl had answered the question, put forth by the counsel for the defence, the learned Trial Judge had not recorded the same.

4. He categorically contended that since the trial has been conducted in such a way that the right of fair trial, which is guaranteed under the constitution to the accused, has been violated, he sought the indulgence of this Court.



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5. The learned Government Advocate (CrI.Side) submitted that already 7 witnesses have been examined as PW.1 to PW.7 and the case was posted for the examination of PW.8. All the question putforth by the accused was denied by the victim and have given statements against the accused. All the depostion was recorded by the Court. Hence, the contention of the learned counsel for the petitioner is baseless and all opportunities were given to the defence counsel for examining PW.1. Only to protract the proceedings, this petition is filed. Hence, he prayed for dismissal of the petition.

6. Since no adverse order is passed against the 2nd respondent, notice to the 2nd respondent is dispensed.

7. Heard both sides and carefully perused the materials available on record.

8. The POCSO is a welfare Act in which Section 33(5) of POCSO Act, 2012 clearly mandates that the Special Court shall ensure that the child is not called repeatedly to be testified in the Court. This transfer OP itself is filed only for the purpose of testifying the child witness by transferring the same to another Court and there is no need for transferring the same.



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9. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

17.02.2026

NCC : Yes / No
Index : Yes / No
dss

To:-

1. The Sessions Judge,
POSCO Court, Theni District.
2. The Inspector of Police,
AWPS Police Station,
Bodi, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

dss

Order made in
Crl.O.P.(MD)No.3289 of 2026
and
Crl.MP(MD)No.3578 of 2026

Dated
17.02.2026