



Crl.O.P(MD)No.2516 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.2516 of 2026

Rajeshwaran

... Petitioner/Petitioner/
Sole Accused

Vs.

The State of Tamil Nadu,
Rep.by The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
(Crime No.18/2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the record and set aside the order dated 19.01.2026 made in Crl.M.P.No.530 of 2025 on the file of the Special Court of POCSO Act, Nagercoil.

For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

Seeking to set aside the order passed by the learned Special Court of POCSO Act, Nagercoil in Crl.M.P.No.530 of 2025 in Spl.S.C.No.41 of 2020, dated 19.01.2026, this criminal original petition is filed.

2. The learned counsel for the petitioner submitted that he had filed an application before the learned trial Court under Section 311 of Cr.P.C for cross examining P.W.6, 7, 11, 14, 15 and 16. However, the same was dismissed by the learned trial Court by the impugned order and sought indulgence of this Court.

3. The learned Additional Public Prosecutor categorically contended that there is no infirmity in the impugned order passed by the learned trial Court. The pending case is a POCSO case, which has to be disposed of by the learned trial Court within one year from the date of taking cognizance in terms of Section 35 (2) of POCSO Act. He also drew my attention to the operative portion of the order, in which it has been clearly recorded that on the date when P.W.6, 7, 11, 14, 15 and 16



were examined in chief, though the petitioner was present in the Court, he had not taken any steps to cross examine them. Even thereafter, he had cross examined few of the witnesses. However, he had failed to cross examine P.W.6, 7, 11, 14, 15 and 16. In this regard, duly recording the petitioner's delaying tactics, the learned trial Court had dismissed the same and sought for dismissal of criminal original petition.

4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned counsel for the petitioner pointed out that though the petitioner was present before the Court, only because of the Advocates boycott, which was ongoing on those particular date, he was not able to make necessary arrangements for cross examination of the aforesaid witnesses and sought the indulgence of this Court.



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6. To ensure fair trial, the learned Trial Court is directed to permit the petitioner to cross examine all the witnesses P.W.6, 7, 11, 14, 15 and 16 in three days one after the other on payment of batta of Rs. 2,500/- to each of the witnesses. It is made clear that the petitioner will not be given any further adjournment for cross examine the aforesaid witnesses and the petitioner is directed to conclude the cross examination on the date when the same is posted for cross examination as fixed by the learned trial Court.

7. With the above directions, this Criminal Original Petition stands allowed.

09.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

1.The Special Court of POCSO Act,
Nagercoil.



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2. The The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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