



Crl.O.P(MD)No.3962 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.3962 of 2026

and

Crl.M.P(MD) No.4260 of 2026

K.Vetriselvan

... Petitioner

Vs.

State of Tamilnadu Rep by
The Inspector of Police,
Nalattinpudur Police Station,
Thoothukkudi District.
Crime No.179 of 2019.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order passed by the learned Sessions Judge (FAC), Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi in Crl.M.P.No.8 of 2026 in Spl.S.C.No.33 of 2020, dated 06.02.2026.

For Petitioner : Mr.M.Maria Vinola

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



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ORDER

The present petition has been filed seeking to set aside the order passed by the learned Sessions Judge (FAC), Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi in CrI.M.P.No.8 of 2026 in Spl.S.C.No.33 of 2020, dated 06.02.2026, wherein, an application presented by the petitioner under Section 311 of Cr.P.C. to recall P.W.1 for cross examination, has been dismissed.

2. The petitioner herein is the accused in Spl.S.C.No.33 of 2020, wherein, he has been charged under Sections 5(1)(j)(ii)(t) r/w. 6 of POCSO Act and Sections 452, 506(i) of IPC.

3. The victim girl was examined in chief on 31.05.2022 and she was not cross examined on the same day. Thereafter, the petitioner has filed a petition in Cr.M.P.No.220 of 2024 under Section 311 of Cr.P.C. and the same was allowed on 22.11.2024 on condition that the petitioner should deposit a sum of Rs.10,000/- to the victim girl on her



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appearance. Due to default, the said petition came to be dismissed automatically.

4. The petitioner herein had filed another application under Section 311 of Cr.P.C in Cr.M.P.No.5 of 2025 to recall P.W.1 for cross examination and the same was dismissed by the trial Court, which was put to challenge before this Court in Crl.O.P(MD) No.5860 of 2025 and the same was allowed on condition that the petitioner should deposit Rs.1,000/- before the trial Court within a period of 15 days. Since the cost was not paid within the time, again the petitioner approached this Court seeking extension of time and the same was dismissed, vide order dated 18.09.2025. Challenging the same, the petitioner has preferred a Special Leave Petition before the Hon'ble Supreme Court of India in Special Leave to Appeal (Crl.) No.20430 of 2025 and the same was dismissed on 15.12.2025. Thereafter, the present petition has been filed in Cr.M.P(MD) No.8 of 2026 to recall the P.W.1 for cross examination.



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5. Admittedly, this is the 3rd application to recall P.W.1 for cross examination. The case is posted for judgement tomorrow (i.e.04.03.2026). In this circumstances, this Court is of the considered opinion that the petitioner has been trying to drag on the proceedings and it is a case of clear abuse of process of law. In this circumstances, the dismissal order passed by the trial Court stands confirmed. However, the direction to make payment of cost to the victim, is hereby set aside.

6. With the above modification, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

03.03.2026

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

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To

- 1.The Inspector of Police,
Nalattinpudur Police Station,
Thoothukkudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

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