



CRL OP(MD). No.4170 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.4170 of 2026

and

CRL MP(MD). No.4475 of 2026

Karuppaiah

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police, Awps-Vilathikulam,
Thoothukkudi District.
Crime No.5/2016.

... Respondents

PRAYER :-

To call for the records in Crl.M.P.No.1015 of 2024 in Spl.S.C.No.146 of 2019 on the file of the Sessions Judge, Special court for POCSO Act Cases, Thoothukudi and set aside the order in Crl.M.P.No.1015 of 2024 dated 26.11.2024.

For Petitioner : Mr. S.Muthu Malai Raja,
Advocate.

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to call for the records in CrI.M.P.No.1015 of 2024 in Spl.S.C.No.146 of 2019 on the file of the Sessions Judge, Special court for POCSO Act Cases, Thoothukudi and set aside the order in CrI.M.P.No.1015 of 2024 dated 26.11.2024.

2. The learned counsel for the petitioner submitted that the petitioner is the sole accused in the pending Spl.SC.No.146 of 2019 on the file of the learned trial Court. The petitioner had filed a petition under Section 311 Cr.P.C., seeking to recall PW.1 to PW.5 for cross examination. However, the same was dismissed by the trial court and hence this petition.

3. Learned Additional Public Prosecutor submitted that the case is one of POCSO and the petitioner is facing the trial for the offences under Sections 363 and 506(1) of IPC and under Sections 5(1), 5(j)(ii) of Protection of Child from Sexual Offences Act, 2012. The PW.1 who is the victim was examined in chief on 11.10.2019. P.W.2 and P.W.3, who



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are the mother and aunt of the victim, were respectively examined in chief on 12.10.2022, and PW.4 and PW.5 were also examined on 01.02.2023. However, the defence having not turned up to cross examine PW.1 to PW 5, on all those three instance, now, after a span of 2 years, have filed this petition before the learned trial Court, which was rightly dismissed by the learned trial Court and sought for the dismissal of this Court.

4. Heard either sides and carefully perused the materials available in record.

5. A careful perusal of the records would make it clear that the impugned order is also passed on 26.11.2024 and this Criminal Original Petition has been filed, after a lapse of 2 years from the date of the impugned order itself. Even before that, the petitioner had ample time to make necessary application for the said exercise. As rightly pointed out by the learned Additional Public Prosecutor, P.W.1 to PW 5 were examined respectively on 11.10.2019, 12.10.2022 and 01.02.2023, running for 3 long years. Even after 2 years, it is only on 10.10.2024, at



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the stage of Section 313 Cr.PC questioning, the petitioner had filed the present petition which was also duly dismissed immediately within a span of one month on 26.12.2024. Having not diligently taken steps to file a Criminal Original Petition, challenging the impugned order before this Court swiftly, this petition is filed by the learned counsel for the petitioner, after a span of 2 years.

6. It is mandated under the POCSO Act that a trial should be concluded within a period of one year, Under Section 35(2) of the POCSO Act. I do not find any infirmity in the impugned order passed by the trial court, considering the fact that the it is a case under POCSO Act and recalling the witness and victims and related witnesses time to time, only with the intention of protracting the proceedings, is unwarranted.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition stands closed.

26.02.2026

NCC : yes / no
Index : yes / no
pnn

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To

- 1.The Sessions Judge, Special court for POCSO Act Cases, Thoothukudi.
2. The Inspector of Police, Awps-Vilathikulam, Thoothukkudi District.
Crime No.5/2016.
- 3.The Inspector of Police, Awps-Vilathikulam, Thoothukkudi District.
Crime No.5/2016.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

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