



CrI.O.P.(MD)No.3893 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.02.2026**

CORAM:

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

CrI.O.P.(MD)No.3893 of 2026

Vijay

... Petitioner

Vs.

The State of Tamil Nadu Rep. by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.6 of 2024

... Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the order dated 15.09.2025 in Cr.M.P.No.407 of 205 in Spl.S.C.No.86 of 2024 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Theni and set aside the same.

For Petitioner : Mr.M.Gandhirajan

For Respondent : Mr.S.Ravi

Additional Public Prosecutor



Cr.L.O.P.(MD)No.3893 of 2026

ORDER

WEB COPY

This petition has been filed seeking to set aside the order dated 15.09.2025 in Cr.M.P.No.407 of 205 in Spl.S.C.No.86 of 2024 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Theni.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the sole accused in the pending trial in Spl.S.C.No.86 of 2024 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Theni, where the petitioner had filed a petition under Section 348 of BNSS, seeking to recall PW1 to PW3 for cross-examination. However, the same was dismissed by the trial Court without any reasonable justification and hence this petition came to be filed.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that this is a case under the POCSO Act, wherein PW1 is the victim girl and PW2 and PW3 are her parents. The trial Court examined the matter in detail and dismissed the petition insofar as PW1 is concerned, in view of the bar under Section 33(5) of the POCSO Act, which mandates that a child victim shall not be repeatedly called to testify before the Court. Insofar as PW2 and PW3 are concerned, PW1 and PW3 were examined in chief on 12.02.2025



CrI.O.P.(MD)No.3893 of 2026

and 03.04.2025, respectively and the trial Court took note of the possibility of them being won over time. Moreover, the reasons put forth by the learned counsel for the petitioner before the trial Court were also rejected. Hence, there is no infirmity in the order of dismissal.

4. Heard the learned counsel on either sides and carefully perused the materials placed before this Court.

5. PW1 and PW3 were examined in chief on 12.02.2025 and 03.04.2025, respectively. However, the petitioner filed the petition before the trial Court only on 13.08.2025, after a gap of six months from the dates on which PW1 and PW3 were examined. In view of the mandate under Section 33(5) of the POCSO Act, and considering the nature of the case pending before the trial Court, I find no infirmity in the order of the trial Court.

6. With the above observations, this criminal original petition stands disposed of.

24.02.2026

NCC : Yes / No
Index : Yes / No
Sm



WEB COPY



CrI.O.P.(MD)No.3893 of 2026

L.VICTORIA GOWRI, J.

Sm

TO:-

1. The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
CrI.O.P.(MD)No.3893 of 2026

Dated
24.02.2026