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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5597 of 2026

B.Faizal Khan

...Petitioner/Petitioner

Vs

State of Tamilnadu,
Rep by the Inspector of Police,
All Women Police Station,
Marthandam, Through Special Public Prosecutor,
Kanniyakumari District.
(Crime No.32 of 2024)

...Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the impugned order passed in Crl.M.P.No.7 of 2026 in the Special Sessions Court for the POCSO, Nagercoil, Kanniyakumari District order dated 03.02.2026 and set aside the same and recall the witnesses PW16 and PW19 for the purpose of cross examination.

For Petitioner : M/s.S.Suresh Manickam

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

The present petition has been filed by the accused person in Spl.S.C.No. 14 of 2025 on the file of the Special Sessions Court for POCSO, Nagercoil, Kanyakumari District, challenging the order rejecting an application under Section 311 of Cr.P.C.

2. The petitioner herein had filed an application under Section 311 of Cr.P.C., to recall PW.16 to PW.19 for the purpose of cross examination. PW.16 and P.W.19 have been cross examined between 09.12.2025 and 30.12.2025. The present application has been filed on 09.01.2026. The trial Court has proceeded to dismiss the application on the ground that the petitioner has not chosen to cross examine the witnesses on the same day and the trial to be completed within a period of one year as mandated under the POCSO Act. Challenging the same, the present petition has been filed.

3. According to the learned Counsel appearing for the petitioner, the Counsel could not be present between 09.12.2025 and 30.12.2025, in view of certain difficulties expressed by the Counsel in e-filing and therefore, he could not cross examine P.W.16 to P.W.19 who are official witnesses. The case is



posted on 25.03.2026 for examination of PW.20. Therefore, he is ready to cross examine PW.16 to P.W.19 on 25.03.2026, itself.

4. Considering the fact that the petitioner has already cross examined the victim girl and only the official respondents are sought to be recalled for cross examination and also considering the fact that P.W.20 is yet to be chief examined, this Court is inclined to allow the application.

5. In view of the above said facts, the order passed by the trial Court in CrI.M.P.No.7 of 2026 is hereby set aside and the petitioner is permitted to recall P.W.16 to P.W.19 for the purpose of cross examination. The cross examination shall be completed by the petitioner on 25.03.2026. It is made clear that no further time shall be granted to the petitioner herein. In case if the first accused prefers to cross examine P.W.16 to P.W.19, the same also can be conducted on 25.03.2026 and no further adjournment shall be granted to the Counsel for the first accused.

6. With the above said observations, this Criminal Original Petition stands allowed.

18.03.2026

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



To

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1. The learned Judge,
Special Sessions Court for the POCSO,
Nagercoil, Kanniyakumari District.
2. The Inspector of Police,
All Women Police Station,
Marthandam,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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