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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.7343 of 2026

and

Crl.M.P(MD)No.7883 of 2026

Ranjithkumar @ Mariya Ranjith

...Petitioner

Vs

State of Tamilnadu,
Rep by Inspector of Police,
AWPS-Kanyakumari,
Kanyakumari District.
Crime No.30/2020

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records of the order made in Crl.M.P.No.69/2026 in Spl.SC.No. 32/2021, dated 17.03.2026, on the file of the Special Court for exclusive trial of cases under POCSO Act, Kanyakumari at Nagercoil, and set aside the same and direct the trial Court to recall P.W.4 and P.W.5 for cross examination.

For Petitioner : M/s.M.Arikan

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



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ORDER

The present petition has been filed by the sole accused in Spl.SC.No.32 of 2021, seeking to set aside the order passed by the Special Court for exclusive trial of cases under POCSO Court, Nagercoil, in CrI.M.P.No.69 of 2026, wherein the request of the petitioner under Section 348 of BNSS has been rejected.

2. The petitioner is an accused alleged to have committed offences under the POCSO Act. Out of 6 witnesses, P.W.1 to P.W.3 have already been examined and cross examined by the petitioner. P.W.4 and P.W.5 were chief examined on 29.12.2025. Due to Advocates boycott, these witnesses could not be cross examined on the same date.

3. The application has been filed on 04.02.2026, seeking to recall P.W.4 and P.W.5. This application has been dismissed by the trial Court primarily relying upon Section 33(5) of the POCSO Act. Challenging the same, the present petition has been filed.

4. According to the learned Counsel appearing for the petitioner, he was not at fault and his Counsel could not appear on the said date and therefore,



P.W.4 and P.W.5 could not be cross examined. He further submitted that the other witnesses have already been cross examined by the petitioner. He further contended that Section 33(5) is not an absolute bar and only the object is not to harass the victim child again and again. In the present case, the present application has been filed on the next date of hearing and therefore, there is no delay on the part of the petitioner. He further submitted that the case is posted on 20.04.2026 and he is ready to cross examine P.W.4 and P.W.5 on the same date.

5. I have considered the submissions made on either side and perused the materials available on record.

6. Considering the narration of the events above, the order passed by the Special Court for exclusive trial of cases under POCSO Court, Nagercoil, in CrI.M.P.No.69 of 2026, dated 17.03.2026, is hereby set aside and the application of the petitioner seeking to recall of P.W.4 and P.W.5 is hereby allowed.

7. The petitioner shall be permitted to cross examine P.W.4 and P.W.5 on a single day. It is made clear that no further opportunity will be granted to the



petitioner. Batta shall be filed by the petitioner within 3(three) days from the date of receipt of a copy of this order.

8. With the above said observations, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is also closed.

16.04.2026

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

Note: Issue order copy on 17.04.2026

To

1. The Special Court for exclusive trial of cases under POCSO Act, Kanyakumari at Nagercoil.

2. The Inspector of Police,
AWPS-Kanyakumari,
Kanyakumari 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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