



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 21.05.2026

PRESENT

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.9574 of 2026

and

Crl.M.P(MD)No.9910 of 2026

Kavi @ Kavidasan

...Petitioner/Respondent/Accused-1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Orathanadu,
Thanjavur District.
(Crime No.13 of 2024)

...Respondent/Petitioner/Complainant

PRAYER :- This Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the order dated 15.04.2026 made in Crl.M.P.No.218 of 2026 in S.C.No.278 of 2024 on the file of the Principal Special Court for exclusive trial of cases under POCSO Act, Thanjavur and set aside the same.



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For Petitioner : Mr.G.Karnan

For Respondent : Mr.S.S.Manoj
Government Advocate(crl.side)
Mr.R.Mani Bharathi
for defacto complainant

ORDER

The present petition has been filed by the accused person in S.C.No.278 of 2024, on the file of the Principal Special Court for exclusive trial of cases under the POCSO Act, Thanjavur, challenging the order dated 15.04.2026 wherein the petition filed under Section 311 of Cr.PC to recall PW1 and PW10 has been allowed.

2. A perusal of the impugned order reveals that Crl.M.P.No.218 of 2026 has been filed by the prosecution seeking to recall P.W.1 and PW.10. It should be noted that PW.1 is the victim and PW.10 is the Doctor.

3. According to the learned Government(Crl.side) appearing for the respondent, CCTV footages obtained from the scene of occurrence are sought to be marked through P.W.10 on the ground that proper certificates have been obtained only now.



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4. In such circumstances, the trial Court has proceeded to allow the application for recalling PW.1 and PW.10. Therefore, according to him, the order does not require any interference.

5. The learned Counsel appearing for the petitioner relied upon the petition filed along with the application apart from PW.1 and P.W.10 other witnesses are also shown and they want to mark certain documents. He apprehends that additional witnesses whose 161 statement has not been recorded and not shown as witnesses in the charge sheet are attempted to be introduced in the midway of the trial without conducting any further investigation.

6. The learned learned Government(Crl.side) appearing for the respondent categorically submitted that only PW.1 and PW.10 alone would be recalled and no other additional witnesses would be examined on the side of the prosecution.

7. In view of the above said clarifications, it does not require any further interference of this Court.



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

21.05.2026

NCC: Yes/No

Index: Yes/No

Internet: Yes/No

RJR

Note: Issue order copy on 21.05.2026



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1. The Principal Special Court for exclusive trial of cases under POCSO Act,
Thanjavur.
2. The Inspector of Police,
All Women Police Station,
Orathanadu,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

RJR

Crl.O.P.(MD) No. 9574 of 2026

21.05.2026