



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.10265 of 2026

and

CrI.M.P(MD)No.10235 of 2026

Arivazhagan

...Petitioner

Vs

State of Tamilnadu,
Rep by Inspector of Police,
All Women Police Station, Vallam,
Thanjavur District.
Crime No. 12/2022.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records and set aside in CrI.M.P.No.5544/2025 in Spl.S.C.No. 102/2022 on the file of the Additional Special Court for Exclusive Trial of Cases under POCSO Act/Magalir Neethimandram Fast Track Mahila Court, Thanjavur, dated 09.02.2026.

For Petitioner : M/s.D.Rameshkumar

For Respondent : M/s.B.Arun
Counsel for State of TN(crl.side)



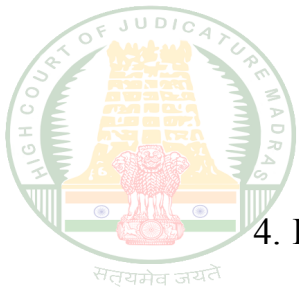
ORDER

WEB COPY

The present petition has been filed by the sole accused in Spl.S.C.No.102 of 2022, on the file of the Special Court for exclusive trial of cases under POCSO Act, Thanjavur, challenging the order passed dated 09.02.2026 in CrI.M.P.No.5544 of 2025, wherein the application filed by the petitioner under Section 348 of BNSS has been rejected.

2. A perusal of the records reveal that the victim girl was examined as P.W.1 on 22.07.2025 and on the said date, she was not cross examined. The present application has been filed on 23.09.2025, seeking to cross examine P.W.1. The said application has been filed by the trial Court solely relying upon Section 33(5) of the POCSO Act.

3. According to the learned Counsel appearing for the petitioner, on the date of occurrence, the victim girl was 17 years old and she had attained majority in the year 2023. According to him, when P.W.1 was chief examined, she was a major and therefore, the rigour of Section 33(5) of the POCSO Act would not get attracted.



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

5. Considering the fact that when P.W.1 was chief examined, she was a major and the application under Section 348 of BNSS, has been filed within two months, a rigor of Section 33(5) of the POCSO Act would not get attracted. Therefore, to grant one more opportunity to the petitioner, the order impugned in the petition is hereby set aside and CrI.M.P.No.5544 of 2026, stands allowed. The petitioner is directed to pay batta within a period of three days from the date of receipt of a copy of this order. The petitioner is directed to cross examine the victim girl on the date of her appearance without seeking any further adjournment. It is made clear that no further opportunity would be granted to the petitioner.

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

05.06.2026

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



WEB COPY

To

1. The Additional Special Court for Exclusive Trial of Cases
under POCSO Act/Magalir Neethimandram Fast Track
Mahila Court,
Thanjavur.

2. The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.

Copy to:-

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

Crl.OP.(MD)No.10265 of 2026

05.06.2026