



Crl.O.P.(MD)No.23766 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.01.2026**

CORAM:

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

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... Petitioner

Vs.

The State of Tamil Nadu
Rep by the Inspector of Police,
Kanyakumari All Women Police Station,
Kanyakumari District.
(Crime No.7 of 2020)

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records made in Crl.M.P.No.460 of 2025 in Special S.C.No.21 of 2021 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Kanyakumari District at Nagercoil of dismissing the recall petition of P.W1 and set aside the same as illegal forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondent : Mr.S.Ravi
Government Advocate(crl.side)



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ORDER

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This Criminal Original Petition has been filed seeking to set aside the order dated 31.10.2025 passed by the Special Court for the Exclusive Trial of POCSO Act Cases, Kanyakumari District at Nagercoil, in Crl.M.P.No.460 of 2025 in Special S.C.No.21 of 2021.

2.The learned counsel for the petitioner submitted that the petitioner herein is the sole accused in Special S.C.No.21 of 2021 for the offences punishable under Sections 449 of IPC and Sections 5(i) r/w 6 of POCSO Act. The trial has already commenced and among the 16 witnesses, the examination in chief and cross-examination have been concluded only as far as six witnesses. P.W1 is the Victim and the petitioner has come to know that the PW1 admitted that no sexual abuse or penetrative sex has been committed on her by anyone before a local panchayat which was conducted by Villagers. The petitioner came to know of it, only after the conclusion of the examination in chief and cross-examination of P.W1. Only for this limited purpose, the petitioner had filed an application under Section 311 Cr.P.C before the trial Court seeking recall of PW1. However, the trial Court had dismissed the same and the petitioner now sought for the indulgence of this Court.



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3. Per contra, the learned Additional Public Prosecutor appearing for the respondent categorically contended that the case is registered for the offences under Section 6 of POCSO Act along with other offences under the Indian Penal Code. The Supreme Court has time and again mandated that victims in POCSO cases should not be repeatedly called for evidence and the trial Court should conclude the examination-in-chief and cross- examination of the victims on the same day. In this case, the examination-in-chief and cross-examination of P.W1 were already completed on the same day and the claim of the petitioner is unwarranted and cannot be accepted in the interest of justice. The learned Additional Public Prosecutor further submitted that the victim is now 23 years old and is married to someone else.

4. Heard the learned counsels on either side and carefully perused the materials available on record.

5.Considering the delicate situation, this Court is of the considered view that the victim should not be called for again and again in the name of cross-examination, in accordance with the mandates of the Hon'ble Supreme Court. Moreover, since she is already married, repeatedly calling her would cause undue embarrassment to her personal life as well. Hence, I do not find any



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infirmity in the impugned order. Accordingly, this Criminal Original Petition is dismissed.

02.01.2026

NCC : Yes / No
Index : Yes / No
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TO:-

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



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L.VICTORIA GOWRI, J.

cp

Order made in
Crl.O.P.(MD)No.23766 of 2025

Dated
02.01.2026