

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, SRIVILLIPUTTUR.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,
Judicial Magistrate, Fast Track Court, Srivilliputtur.

Friday, on the 5th day of June 2026

M.P. No. 19 of 2026

in

S.T.C. No. 211 of 2025

P. Vinoth Madusuthanan

...Petitioner/Accused

-VS-

D. Susaimariyan

...Respondent/Complainant

This Petition came up before this Court on 22.05.2026. Advocate Mr. M.Muthukumar, for the Petitioner/Accused. Advocates M/s.K.Shantakumar & M.Viswanathan, for the Respondent/Complainant. Upon hearing both sides and Upon perusing the case records, this Court delivers the following:

ORDER

1. The Accused had filed the above Petition under Section 145(2) of Negotiable Instruments Act, seeking an order to Permit the Petitioner/Accused to examine the Record Clerk, Rajapalayam, Government Hospital, as Witness, in his Defence.

2. The Petitioner/Accused had stated that the Respondent filed the above Complaint alleging that the Petitioner/Accused had borrowed Rs. 1,60,000/- (Rupees

One Lakh and Sixty Thousand Only) from the Respondent/Complainant. The Petitioner/Accused had not met the Respondent/Complainant on 20.02.2024 and had not borrowed any money from the Complainant and had not issued Cheque in favour of the Respondent/Complainant. On that day, the Petitioner/Accused worked in Government Hospital Rajapalayam. In Order to prove the same, the Record Clerk of the Government Hospital Rajapalayam, has to be examined, in this Case. Hence the above Petition has to be allowed.

3. The Respondent had filed Counter stating that the Petitioner/Accused had borrowed Rs. 1,60,000/- (Rupees One Lakh and Sixty Thousand Only) from the Respondent/Complainant on 20.02.2024 and on the same day, the Petitioner/Accused had issued Cheque dated 24.03.2024. The Petitioner/Accused had suppressed True facts in the above case and had filed the above Petition, by stating false particulars, as such, the above Petition, filed by the Petitioner/Accused is liable to be dismissed. Hence the Respondent prayed for dismissal of the above Petition. .

4. The Point for consideration, is whether the above Petition has to be allowed or not?

5. By filing the above Petition, the Petitioner wants to establish that he was working in the Hospital, during the time, when the Complainant claimed that he lend money to the Accused and when the Accused issued Cheque. Since the Petitioner/Accused himself had come before this Court, seeking leave to Permit, him to

examine the Record Keeper, Government Hospital Rajapalayam, in order to prove that he was in duty on that day, when the Petitioner Accused is said to have met the Respondent/Complainant and that the said Witness happens to be Public Servant, Unless witness summons is issued, his appearance could not be procured, this Court is of the considered view that the above Petition, could be allowed.

In the result the Record Clerk, Rajapalayam, Government Hospital, is ordered to Produce, Petitioner's Attendance Register for the date 20.02.2024. The Petitioner is ordered to deposit Private Witness Batta of Rs. 1,000/- (Rupees One Thousand Only) within Five Days.

Dictated to the Typist and Typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 5th day of June 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

Petitioner side witness & Documents : Nil

Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court
Srivilliputtur.