

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE –CHITTUR**

**Present: Sri. Sivadas S**

**Judicial First Class Magistrate ,Chittur.**

**Dated this the 21<sup>st</sup> day of October, 2025**

**CMP.No. 3163/2025 IN ST 122/2020**

Vinodkumar, aged 55 years, S/o Narayanan, : Petitioner/ Accused.  
Album house, Vadakkethara, Pazhayannur,  
Thrissur  
(By Sri. N.S. Bivin, Advocate, Chittur)

Satheesh, aged 35 years, S/o Balakrishnan,  
Sanjaykrishna Nivas, Govindapuram, : Complainant  
Muthalamada, Chittur.  
(By: Sri. R. Sivaraman, Advocate, Chittur)

Offence : Punishable under S. 138 of NI Act.

**ORDER**

This is a petition filed by the petitioner/accused to re-open the evidence of defence and to mark the documents produced on the side of defence.

2. This is a case filed under Section 138 of the Negotiable Instruments Act.

3. The allegation in the petition in brief are as follows: The evidence of defence was closed. On 23.04.2025 the accused was examined as DW1. At the time of examining the accused as DW1, the acknowledgment which was received for the reply notice sent to Advocate N. Raja was not marked. That has to be marked on the side of defence. So he prayed to re-open the evidence.

4. On filing this petition notice was given to the respondent/ complainant. He filed objection. In the objection it is stated that the petition is non maintainable as per law. There is no necessity to re-open the evidence . The accused was examined in this case. After that the defence evidence was closed and the case was posted for

arguments. At this time they have filed this petition to re-open the evidence which if allowed will cause irreparable injury and damages to the respondent/complainant. So they pray to dismiss the petition.

5. Heard both sides.

6. The accused has produced a reply notice, receipt and acknowledgment card and the notice, reply notice and postal receipt were marked as Ext. D1 to D3 and the defence counsel has tried to mark one acknowledgment card, but that was not marked. Now they want to mark the document in order to prove their case. It is true that they have produced the acknowledgment card but in the acknowledgment card the name of the counsel is stated as Raju. But in the postal receipt as well as the Ext. D2 and D3 it is stated as Raja and that is why that was not marked. So they want to mark it or to reject it for which they have sought to re-open the evidence. Hence I find that a chance can be given to the petitioner/accused to try to mark that document or to reject in the evidence and hence this petition is allowed. The evidence of defence is re-opened.

In the result, the petition allowed.

Dated this the 21<sup>st</sup> day of October, 2025

Sd/-  
Judl. First Class Magistrate-I  
Chittur

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Judl. First Class Magistrate-I  
Chittur