

IN THE COURT OF JUDICIAL MAGISTRATE, HARUR

Proceeded by **Mr. DHINAKARAN.N**, Judicial Magistrate, Harur.

Monday the 15th day of June 2026

CrI.M.P. No.324 / 2026

IN

S.T.C. No. 63 / 2025

Mr. Murugan

... Petitioner / Accused

-Vs-

Mrs. Shailaja (PW-1)

... Respondent / Complainant

For Petitioner : Mr. A.V. Singaram, Advocate,

For Respondent : Mr. T.V. Senthilnath, Advocate,

This petition taken on file on 01.06.2026 and coming up for the final hearing today. Upon perusal of records, this court delivers the following.

ORDER

1. This Criminal Miscellaneous Petition is filed by the Petitioner/Accused under Section 348 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (formerly Section 311 Cr.P.C.), praying to recall the Complainant/PW-1 (Mrs. Shailaja) for the purpose of cross-examination.

2. The Petitioner states that on 25.05.2026, the chief examination of the Complainant (PW-1) was recorded. On the same date, the Petitioner sought a 20-day adjournment to clear the cheque amount as a settlement. However, the Court closed the evidence of PW-1 and deferred the matter. The Petitioner contends that cross-examination of PW-1 is absolutely essential to unearth the truth of the case, and the failure to cross-examine was neither willful nor intentional.
3. The Respondent/Complainant endorsed for no counter.
4. The Court has carefully evaluated the petition and the stage of the proceedings. In a trial concerning a bounced cheque, cross-examination of the complainant is a vital right element of a fair trial to ensure a proper defense. Depriving the accused of this opportunity might lead to a miscarriage of justice.
5. However, it is noted that on the previous hearing date (25.05.2026), the accused failed to cross-examine the witness despite her presence, causing unnecessary delay and inconvenience to the witness. To balance the ends of justice and deter dilatory tactics, this Court is inclined to grant one final opportunity to the accused, subject to the payment of exemplary costs.
6. Accordingly, this Petition is ALLOWED on condition that the Petitioner/Accused pays a cost of Rs.5000/- (Rupees Five Thousand Only) to the witness/complainant on or before the next date of hearing.

7. Upon payment of costs, the Complainant (PW-1) shall be recalled for cross-examination. It is made clear that the cross-examination must be completed on the very day the witness appears, without seeking further adjournments.

Pronounced by me in open Court, this the 15th day of June, 2026.

Judicial Magistrate, Harur.