

**IN THE PRINCIPAL DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
GUDALUR**

**PRESENT: THIRU. G.SARAVANAKUMAR, B.A., B.L., (Hon's)
Principal District Munsif-cum-Judicial Magistrate, Gudalur.
Wednesday, Dated 20th day of May' 2026.**

**C.M.P. No: 215 /2026
in
S.T.C.No. 446/2024**

Mrs. Renuga,
W/o. Gopi

-- Petitioner/ Accused

-Vs-

Mr. Chelladurai
S/o. Raman

-- Respondent/ Complainant

For Petitioner : Mr. S.B.Vivin and Mr.C.Saravanakumar

For Respondent : Mr. V.Krishnakumar

ORDER

1. This petition has been filed by the Petitioner / Accused under section 353 of BNSS seeking to permit the petitioner / accused to examine herself as defense witness.

2. THE GIST OF THE PETITION AVERMENTS AS FOLLOWS:

The complainant has filed a case against the accused herein under 138 of NI Act. The complainant examined as Pw1 and the case is posted for defense side evidence. The cheque in dispute is not issued for or towards any legally enforceable debt and the petitioner has a valid and bonafide defense to establish before this court. The petitioner is in possession of material facts exclusively within her personnel knowledge which are necessary for the proper and effective adjudication of this

present case. In order to substantiate the petitioner's defence and place the facts before this court, the petitioner is desirous of examining herself as a defence witness. Therefore prays to allow the petition.

3.THE GIST OF THE COUNTER STATEMENT FILED BY THE RESPONDENT AS FOLLOWS:

This petition is not maintainable either in law or facts and liable to be dismissed. The present petition is filed by the petitioner / accused to drag the proceedings and waste the valuable time of this court. The petitioner/ accused does not have any proper and effective adjudication of the present petition and has filed this petition to fill up the lacuna in the present proceedings and to harass the respondent / complainant. If this petition is allowed, it will cause immense loss to the respondent/complainant which cannot be calculated by virtue of money value. Hence prayed to dismiss the petition.

4. Heard both side and Records perused.

5. Point for consideration

The point for consideration is that whether the petition is to be allowed ?.

THE POINT:

6. The Learned counsel for the petitioner submitted that, the petitioner is in possession of material facts which are necessary for the proper and effective adjudication of this present case. Therefore the evidence proposed to be adduced by the petitioner is essential to rebut the statutory presumption under section 116 and 139 of NI Act. Hence prays to allow the petition.

7. Per Contra, the Learned counsel for respondent submitted that, the petitioner does not have any assigned valuable point in the present petition and filed this petition to fill up the lacuna in the present proceedings and to harass the respondent / complainant. Hence prays to dismiss the petition.

8. In the interest of justice, in order to give an opportunity to the petitioner to conduct the trial effectively and in order to avoid further delays, in order to avoid multiplicity of proceedings, this court is inclined to allow this application with the following condition,

(i) the petitioner shall adduce evidence on 03.06.2026 itself without seeking any further adjournment.

Subjected to the above condition, this petition is allowed. For reporting compliance call on 03.06.2026

Dictated to the Stenographer, directly typed by her, corrected and pronounced by me in the open court on this the 20th day of May' 2026.

**Sd/- G.SARAVANAKUMAR
PRINCIPAL DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, GUDALUR.**