

**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.**

Thursday, Dated 21st day of May' 2026.

C.M.P. No: 232 /2026

in

STC. No. 7/2021

Mr. Chandrakumar
S/o. Nagaraj

-- Petitioner/ Accused

-Vs-

Sri Ram Finance
Represented by
Shanmuga Priyan

-- Respondent/ Complainant

For Petitioner : Mr.N.Sivasubramanian

For Respondent : Mr. K.Sukumaran

ORDER

1. This petition has been filed by the Petitioner / Accused under section 311 of Cr.p.c, for seeking permission to recall the Pw1 for the purpose of cross examination.

2. THE GIST OF THE PETITION AVERMENTS AS FOLLOWS:

The contention of the Petitioner/Accused is that, the Pw1 was examined on 25.02.2026 and case posted to 25.03.2026 for cross examination of Pw1, the petitioner counsel unable to appear and cross examine the Pw1 on 25.03.2026. Hence the petitioner's counsel was hospitalized that this court closed the complainant side

evidence. Now the case is posted for defense side evidence. It is a good case to the petitioner. It is necessary to recall the Pw1, and permit this petitioner to cross examine the Pw1. Hence this petition.

3. On the contrary, the contention of the respondent/Complainant is that the Pw1 was already examined in chief and sufficient time was granted to the petitioner / accused for cross examination. However the petitioner failed to utilize the said opportunity to cross the Pw1. The present petition has been filed only to drag on the proceedings. The respondent is a private company and unnecessarily recall will cost heavily to its management. Hence prayed to dismiss the petition.

4. Heard both side and Records perused.

5. The point for consideration is that whether the petition is to be allowed and the PW1 to be recalled for cross-examination ?.

THE POINT:

6. On point, perusal of records reveals that the case has been registered against the accused under section U/s 138 of NI Act. The Respondent/Complainant examined the Pw1. But the Pw1 was not yet been cross examined by the Petitioner / Accused. Therefore the Pw1 and Pw2 evidence was closed. Now the case is posted for defence evidence. Thereafter the petitioner has come up with the present application for recall of Pw1 for the purpose of cross examination. The prosecution raised serious objection by the way of counter.

7. Even though the other side raised serious objection, in order to avoid further delay, in the interest of justice, in order to give an opportunity to the petitioner to conduct the trial effectively, this court is inclined to allow this application with the

following condition,

(i) the petitioner shall pay Rs.1000/- to the Pw1 on or before 03.06.2026 towards cost.

(ii) the petitioner shall complete the cross examination of the Pw1 on 03.06.2026 itself without seeking any further adjournment.

(iii) the Pw1 shall appear and subjected himself for cross examination on 03.06.2026.

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 21st day of May' 2026.

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