

**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.

Friday, Dated 3rd day of July' 2026.

C.M.P. No: 257 /2026

in

STC. No. 681/2018

Mrs. Uma Mageswari

-- Petitioner/ Accused

-Vs-

Mr. P.Ramesh

-- Respondent/ Complainant

For Petitioner : Mr.S.Karunanithi
For Respondent : Mr. A.Jegadeesan

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 contention of the Petitioner/Accused is that, the complainant contacted the petitioner through mobile phone and informed that the alleged cheque transaction pertains to another finance company and also disclosed the name of the said finance company. The petitioner is in possession of the audio recordings, screenshots and other electronic evidence relating to said conversation. The said evidence is necessary for establishing her defence and for proper adjudication of the case. Hence this petition.

3. THE AVERMENTS OF THE COUNTER STATEMENT AS FOLLOWS:

As the complainant disputed the voice as the accused fabricated it, this court may order a forensic voice analysis to match the recording with the known sample of

the speaker's voice. Further the petitioner should produce the original device and not the forwarded audio file. No prejudice would be caused to the complainant if this petition is allowed is false. If this petition is allowed without producing the original device and properly identifying the voice of complainant, it will cause great injustice to the complainant. Hence prays 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 ?.

THE POINT:

6. On point, perusal of records reveals that the case has been registered against the petitioner / accused under section 138 of NI Act. The Respondent/Complainant examined as Pw1 on 11.03.2026, cross examined on 18.03.2026. Now the case is posted for defence evidence. Thereafter the petitioner has come up with the present application for permit the petitioner / accused to examine herself as defense side witness. The complainant raised 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

8. In the result, this petition is allowed.

Dictated to the Stenographer, directly typed by her, corrected and pronounced by me in the open court on this the 3rd day of July' 2026.

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