

IN THE COURT OF THE JUDICIAL MAGISTRATE No.I, METTUR

**Present: N.Gopalakrishnan., B.Sc., B.L.,
Judicial Magistrate No.1, Mettur.**

12th day of June 2025, Thursday

M.P.No.5/2025 and 6/2025

in

CC.No.499/2024

T.Karthikeyan

...Petitioner/Accused

Vs.

1) M/s M.A.Transport,

2) Mrs. Kalyani W/o. Murugan

3) Murugan S/o. Venkatachalam

...Respondents/

Complainants

This petition under section 311 Cr.P.C filed on 30.05.2025 and came upon today 12.06.2025, and Advocate **Mr.K.Mathaiyan** appeared for the Petitioner Advocate **Mr.N.Manikanda Jayakumar** appeared for the respondent, which are stood over for the consideration till today, this Court delivers the following

COMMON ORDER

1. These petitions, filed by the petitioner/accused under **Section 311 of the Code of Criminal Procedure, 1973, on May 30, 2025**, seek to recall and cross-examine the complainant in the main case, **C.C. No. 499 of 2024**, instituted under Section 138 of the Negotiable Instruments Act, 1881. These petitions are listed today for filing a enquiry statement.
2. Now, the learned counsel for the respondent/complainant has endorsed that the petitions may be allowed, on terms subject to the imposition of costs.

3. It is submitted by the learned counsel for the accused that he has newly appointed advocate by the accused and he will cross examine the witness in part and he will complete the further cross examination with in a week on a single hearing. Further, he endorsed that he is dispensing the cross examination of PW2.

Having considered the submissions made and the endorsement of the learned counsel for the respondent/complainant, this Court is of the opinion that the cross-examination of the **complainant side witnesses (PW1)** is necessary for the just decision of the case, and the petitions deserve to be allowed subject to the following conditions:

1. The petitioner shall commence cross examination of witness today itself, one more hearing will be given after 1 week, No further adjournment will be given.
2. The complainant's evidence stands reopened. The respondent/complainant is directed to appear on the next hearing for cross-examination. No further adjournment will be granted to the petitioner for the cross-examination of PW1. Whose cross examination shall be completed with in next hearing. The petitioner shall pay Rs.2000/- as cost to the respondent today itself.

This order dictated to Steno-typist and directly typewritten by him and verified, corrected, and signed by me, and pronounced in open court 12th day of June 2025.

Sd/-N.Gopalakrishnan
Judicial Magistrate No.I, Mettur.