



Crl.M.P.No.42 of 2026

IN THE COURT OF FAST TRACK AT MAGISTERIAL LEVEL,KARAIKUDI.

PRESENT: THIRU.J.KARMEGAKANNAN, B.A.,B.L.,

Judicial Magistrate,

Fast Track Court at Magisterial level,

Karaikudi (FAC),

Dated this the 18th day of March, 2026

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in

Calender Case No.65 of 2018

CNR No. TNSV12 – 000048 - 2026

Ambika (56/2026),

W/o.Renganathan,

D/No.2/1788, Senbagam Veethi,

Valluvar Nagar 1st Main Veethi,

Bharma Colony,

Karaikudi Taluk,

Sivagangai District.

..... Petitioner /Accused

\vs/

P.Sakthivel, (51/2026)

S/o.Pichai,

D/No.23/9,

Subramaniyapuram,

4th Street,North Extension,

Karaikudi Taluk,

Sivagangai District.

Respondent / Complainant

This petition was taken on file before this court and numbered as Crl.M.P.No.42 of 2026 and came up for final hearing before me on 18.03.2026 in the presence of Thiru.K.Velmurugan the learned counsel



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for the complainant and Thiru.V.Kannappan the learned counsel for the defence and upon hearing the arguments and perusing all the connected materials, having stood over for consideration till this day, this court do the following:

ORDER

1.The petitioner/accused has filed the present petition under section 311 of the Code of Criminal Procedure, 1973 seeking to reopen the evidence of DW1 and to direct the respondent/complainant to cross examine DW1, who is the present petitioner herein.

2. The main case has been filed by the respondent/complainant under section 138 of the Negotiable Instruments Act, 1881 for dishonour of cheque dated 08.01.2018 bearing No.462039 drawn on Canara Bank, Sankarapuram Branch for a sum of Rs.3,00,000/-. Pending disposal of the said main case, the present petition has been filed by the petitioner/accused seeking the above relief.

3. The petitioner has submitted that in the above main case he has already been examined as DW1. Thereafter, when he appeared before this court on 27.11.2025, the respondent did not cross examine him. It is further submitted that the marriage of his son namely Praveen was arranged and the marriage was fixed on 28.01.2026 and therefore he was engaged in the marriage arrangements and inviting relatives.



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Due to the said reason he was unable to appear before this court on 22.01.2026 and therefore the cross examination of DW1 came to be closed for non appearance and the matter was posted for further defence side evidence. Hence, it is necessary that he should be subjected to cross examination and the same is essential for reaching the ends of justice. Therefore, he prayed that the petition may be allowed.

4. Per contra, the respondent/complainant has filed a counter affidavit contending that the petition is not maintainable. The respondent has denied the allegations made by the petitioner. It is further submitted that the petitioner was examined as DW1 on 27.11.2025 and thereafter he did not appear before this court for cross examination on 06.12.2025, 08.01.2026 and 22.01.2026 and therefore the cross examination of DW1 was closed by this court. Thereafter the matter was posted for further evidence on 29.01.2026 and 05.02.2026 and even at that time the present petition was not filed. Hence the present petition has been filed only to prolong the proceedings and therefore the respondent prayed for dismissal of the petition.

5. This court heard the learned counsel appearing on either side and perused the entire materials available on record.

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



7. Admittedly, the petitioner/accused was examined as DW1 on 20.11.2025 and thereafter the matter was posted on 27.11.2025, 06.12.2025, 08.01.2026 and 22.01.2026 for cross examination of DW1. Except on 27.11.2025, on the other dates the petitioner was not present before this Court and therefore the cross examination of DW1 was closed on 22.01.2026. It is also seen that the main case relates to the year 2018 and therefore the proceedings cannot be unnecessarily prolonged.

8. At the same time, the cross examination of DW1 is necessary for proper adjudication of the matter and for arriving at a just decision in the case. Opportunity for cross examination is an important aspect in the trial process and denying such opportunity may affect the fair disposal of the case. Therefore, in order to secure the ends of justice, this court is of the view that one more opportunity may be granted to the petitioner to subject himself for cross examination.

9. However, considering the conduct of the petitioner and the age of the case, this court is inclined to allow the petition only on condition.

10. In the result, the petition is allowed on payment of cost of Rs.2,000/- payable by the petitioner / accused to the respondent / complainant on or before 26.03.2026. On the same day the cross examination of DW1 shall be conducted and the petitioner shall co –



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operate for the completion of the cross examination. In default of payment of cost or in case of non cooperation for cross examination, this petition shall stand dismissed automatically.

Pronounced by me in the open court, this the 18th day of
March, 2026.

Judicial Magistrate,
Fast Track Court at Magisterial level,
Karaikudi(FAC).