



Crl.M.P.No.76 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.103 of 2022

CNR No. TNSV12 – 000101 - 2026

Vijayakumar (44/2026)

S/o.Dhinakaran,

D/No.88/1A, Vaikasi Street,

Kurunjipuravu,

Karaikudi Taluk,

Sivagangai District

..... Petitioner /Accused

\vs/

S.Thirupathirajan(38/2026),

S/o.Senbaga Moorthy,

D/No.19, Kamarajar Veethi,

Kalanivasal Puthu Road,

Karaikudi Taluk,

Sivagangai District.

.....Respondent / Complainant

This petition was taken on file before this court and numbered as Crl.M.P.No.76 of 2026 and came up for final hearing before me on 18.03.2026 in the presence of Tmt.V.Vijaya the learned counsel for the complainant and Thiru.R.Abdul Sithkque the learned counsel for the



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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 petition has been filed by the petitioner/accused under Section 311 of Cr.P.C. seeking to reopen the complainant side evidence. The respondent herein is the complainant in the main case. The complainant has filed the main complaint under Section 138 of the N.I. Act alleging dishonour of cheque bearing No. 000091 drawn on Bank of Baroda, Karaikudi Branch for a sum of Rs.5,00,000/-. Pending disposal of the main case, the present application has been filed by the petitioner/accused.

2. The petitioner has stated that the main case is now posted for defence side arguments. According to him, in order to prove his case, one Vigneshwaran has to be examined as a witness on his side and when he earlier filed an application for that purpose, the same was dismissed on 02.02.2026. It is further submitted that during the cross examination of the respondent/complainant, the complainant has admitted that there was an agreement for sale between his father and the accused. Therefore, according to the petitioner, production of the said agreement for sale is necessary and if the same is produced it will reveal that the



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entire amount has already been repaid. The petitioner contends that the agreement for sale dated 05.01.2021 is very vital for proving his case and if the complainant side evidence is not reopened, he will be put to irreparable loss and hardship.

3. Per contra, the respondent/complainant has filed a counter affidavit stating that the entire evidence on both sides has already been completed and even the complainant side arguments have been heard. It is further stated that the matter had been repeatedly posted for the petitioner side evidence on 11.12.2025, 03.01.2026, 22.01.2026 and 05.02.2026, but the petitioner failed to utilise those opportunities. Thereafter the case was posted for arguments on 12.02.2026 and again on 23.02.2026 and 25.02.2026 for the petitioner side arguments, but even then the petitioner did not advance arguments. According to the respondent, the present petition has been filed only to protract the proceedings and the reasons stated for reopening the evidence have not been properly explained. Hence the respondent prayed for dismissal of the petition.

4. This Court heard both sides and perused the entire materials available on record.

5. Admittedly, the matter is now posted for defence side



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arguments as a final chance. At this stage the present application has been filed seeking to reopen the complainant side evidence. The records show that several opportunities were given to the petitioner to adduce his side evidence on 11.12.2025, 03.01.2026, 22.01.2026 and 05.02.2026, but he did not utilise the same. Consequently, his side evidence was closed on 05.02.2026. Thereafter the matter was posted for arguments on 12.02.2026, 19.02.2026 and 23.02.2026. It is also seen that the petitioner had earlier filed a petition under Section 315 Cr.P.C. seeking to examine one Vigneshwaran and the same was dismissed on 27.02.2026. Subsequently the case was again posted for defence side evidence on 03.03.2026 and 05.03.2026, and thereafter on 06.03.2026 the present petition has been filed. The main reason stated by the petitioner for reopening the complainant side evidence is to mark the agreement for sale dated 05.01.2021. However, the petitioner himself is a party to the said agreement and therefore he could have produced the same at the time when opportunities were given for his side evidence. No satisfactory explanation has been given as to why the document was not produced earlier. Further, on perusal of the deposition of the complainant, it is seen that the petitioner has already questioned the complainant regarding the alleged agreement for sale during cross examination. Therefore, reopening of the complainant side evidence is not necessary for that purpose and it is for the petitioner to take appropriate steps, if any, in accordance with law.



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6. Hence, by considering the stage of the case and the repeated opportunities already given to the petitioner, this court finds that the present petition has been filed belatedly without sufficient reason. Hence this Court finds no valid ground to reopen the complainant side evidence.

7. In the result, this petition is dismissed.

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

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