



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 10<sup>th</sup> day of March, 2026

Crl.M.P.No.78 of 2026

in

Calender Case.No.136 of 2024

CNR No. TNSV12 -000103 - 2026

Parimalam (49/2026),

S/o.Soosaimanickam,

D/No.2/219B,

Kalanivasal,

Karaikudi Taluk,

Sivagangai District

..... Respondent / Complainant

-vs-

Karthick, (42/2026),

S/o.Palaniyappan,

D/No.2/1191,8<sup>th</sup> Street,

Thanthai Periyar Colony,

Bharma Colony,

Sekkalaikottai,

Karaikudi Taluk,

Sivagangai District

.... Petitioner / Accused

This petition was taken on file before this court and numbered as Crl.M.P.No.78 of 2026 and came up for final hearing before me on 10.03.2026 in the presence of Tmt.C.Lavanya the learned counsel for the complainant and Thiru.T.Karthikeyan 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 this petition under Section 278(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking permission to examine one Senthilvel as DW3.

2. The petitioner has submitted that the respondent/complainant has filed the main complaint under Section 138 of the Negotiable Instruments Act, 1881 for dishonour of cheque bearing No.000011 for a sum of Rs.9,54,000/- drawn on HDFC Bank, Karaikudi Branch. It is further submitted that the case has now been posted for defence side evidence. According to the petitioner, it is necessary to examine one Senthilvel, S/o.Sreenivasan, residing at No.1/227-A, Sivan Kovilpatti, Sathurvethamangalam, Sivagangai District, as DW3 in order to arrive at a proper decision in this case. The petitioner has further stated that the said witness will explain important aspects connected with the case and therefore the petition may be allowed in the interest of justice.

3. Per contra, the respondent/complainant has filed a counter affidavit stating that the petition is meritless and liable to be dismissed. It is stated that the complainant side evidence has already been closed and the defence side has already examined two witnesses. According to



the respondent, the defence side has already filed similar petitions earlier and examined DW1 and DW2. The present petition is the third one seeking the same relief and it clearly indicates that the accused is attempting to protract the proceedings. It is further contended that there is no proper reason mentioned in the petition as to why the proposed witness has to be examined. It is also stated that repeated petitions cause prejudice to the complainant and delay the disposal of the case. Hence, the respondent prayed for dismissal of the petition.

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

5. Admittedly, this is the third petition filed by the petitioner for examining defence witnesses. Earlier, the petitioner filed Crl.M.P.No.5 of 2025 under Section 353 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking permission to examine the accused as a witness and the same was allowed by this Court on 07.08.2025. Thereafter, the petitioner filed another petition in Crl.M.P.No.265 of 2025 seeking permission to examine one Palaniyappan as DW2 and the said petition was also allowed on 06.11.2025. Subsequently, the present petition has been filed on 05.03.2026 seeking permission to examine one Senthilvel as DW3.

6. The sequence of events shows that the petitioner has been filing



petitions one after another with considerable time gap between them. If the proposed witness was really necessary for the defence, the petitioner could have very well filed the petition at the earlier stage itself or along with the previous petitions. The conduct of the petitioner in filing successive petitions at different stages creates an impression that the proceedings are being unnecessarily prolonged.

7. Further, as rightly pointed out by the respondent, the petition does not contain proper pleadings explaining in what manner the proposed witness is connected with the transaction in question or how his evidence would assist the court in arriving at a just conclusion. A vague statement that the witness will explain important aspects of the case is not sufficient to grant such permission, particularly when two defence witnesses have already been examined.

8. Hence, for the foregoing reasons, this court is of the view that the present petition lacks merits. Hence, this court finds no valid ground to allow the petition.

9. In the result, the petition is dismissed. No cost.

Pronounced by me in the open court, this the 10<sup>th</sup> day of March, 2026.

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

