



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 16th day of April, 2026

Crl.M.P.No.60 of 2026

in

Calender Case.No.2 of 2025

CNR No. TNSV12 -000069 - 2026

Saravanan,

S/o.Krishnan,

D/No.48, Sekkalai,

1st street,Sekkalaikottai,

Karaikudi Taluk,

Sivagangai District.

..... Petitioner / Accused

-vs-

R.Ramasamy, (64/2026)

S/o.Ramasamy,

Managing Director,

Karaikudi Finance Ltd.,

No.3, North Vallambar Street,

Karaikudi Taluk,

Sivagangai District.

.... Respondent / Complainant

This petition was taken on file before this court and numbered as Crl.M.P.No.60 of 2026 and came up for final hearing before me on 16.04.2026 in the presence of Thiru.D.Balamurugan the learned counsel for the complainant and Thiru.A.Sekar 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. This petition has been filed by the petitioner/accused under Section 348 of BNSS seeking to recall PW1 for the purpose of cross-examination.

2. The main case has been filed by the respondent/complainant under Section 138 of the Negotiable Instruments Act for the dishonour of cheque bearing No.050581 for a sum of Rs.2,48,000/- drawn on State Bank of India, Subramaniyapuram Branch, Karaikudi.

3. The case of the petitioner is that the respondent/complainant was examined as PW1 on 24.06.2025 and thereafter the matter was adjourned for cross-examination. Subsequently, the matter was referred to the Mediation Centre, but no settlement was arrived at. Thereafter, when the matter was taken up for regular hearing, it was posted for cross-examination of PW1 as a last chance on 23.10.2025, on which date the counsel for the petitioner could not appear and hence the cross-examination of PW1 was closed. It is further stated that cross-



examination of PW1 is essential for proper adjudication of the case and the accused has a valuable right to cross-examine the witness. Hence, the petitioner seeks to recall PW1.

4. Per contra, the respondent/complainant has filed a counter stating that the petition is not maintainable and has been filed only to protract the proceedings. It is stated that both the petitioner and the respondent are working as teachers in Ramanathan Chettiar Government High School and the petitioner is earning about Rs.1,00,000/- per month. It is further contended that the petitioner had borrowed a sum of Rs.2,00,000/- through NEFT from the respondent and without repaying the same, he is dragging the proceedings. It is also pointed out that PW1 was examined on 24.06.2025 and the matter was posted for cross-examination on several occasions including 15.07.2025 and 24.07.2025. Thereafter, the matter was referred to mediation on 25.09.2025 and again posted for cross-examination on 09.10.2025 and finally closed on 23.10.2025 due to non-cross-examination. Thereafter, the case was posted for complainant side evidence and subsequently for questioning under Section 313(1)(b) Cr.P.C., and only at that stage, on 12.02.2026, the present petition has been filed without proper explanation for the delay. Hence, the respondent prayed for dismissal of the petition.



5. This court heard the learned counsel on either side and perused the entire materials available on record. The point for consideration is whether the petition is liable to be allowed.

6. It is an admitted fact that the cross examination of PW1 was closed on 23.10.2025 as the petitioner failed to cross-examine the witness despite sufficient opportunities. It is also seen that even after closure of the cross-examination, there was considerable delay in filing the present petition and the reasons for such delay have not been satisfactorily explained by the petitioner.

7. At the same time, it is a settled principle of law that the right of cross-examination is a valuable right of the accused and denial of such opportunity may result in prejudice to the defence. The object of recalling a witness is to ensure that a fair opportunity is given to the accused to put forth his defence and to enable the Court to arrive at a just decision on merits.

8. Hence, considering the above facts and circumstances, this Court is of the view that though the petitioner has been negligent in not utilising the earlier opportunities and in filing the petition belatedly, the



opportunity of cross examining PW1 cannot be completely denied, as it is essential for proper adjudication of the case.

9. In the result, the petition is allowed on condition that the petitioner / accused shall pay a cost of Rs.3,000/- to the respondent / Complainant on or before 24.04.2026. on such payment, PW1 shall be recalled and the petitioner shall cross examine PW1 on the same day without seeking any further adjournment. Failing which, this petition shall stand dismissed automatically.

Pronounced by me in the open court, this the 16th day of April, 2026.

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