



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 27th day of April, 2026

Crl.M.P.No.287 of 2025

in

Calender Case.No.106 /2024

CNR No. TNSV12 -000578 - 2025

Abilash, (24/2024),

S/o.Ananth,

D/No.17,

Chandrasekar Agragaram,

Muthupattinam, Karaikudi Taluk,

Sivagangai District.

..... Petitioner / Complainant

-vs-

Natarajan, (58/2024),

S/o.Muthupillai,

D/No.2/642,

Thandai periyar Nagar,

Saibaba 9th Cross 4th Street,

Karaikudi Taluk,

Sivagangai District.

.... Respondent / Accused

This petition was taken on file before this court and numbered as Crl.M.P.No.287 of 2025 and came up for final hearing before me on 27.04.2026 in the presence of Tmt.M.Sangeetha the learned counsel for the complainant and Thiru.AV.Rajendran 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/complainant under Section 348 of BNSS seeking permission to recall PW1 for the purpose of marking additional documents.

2. The main case has been filed by the petitioner against the respondent/accused under Section 138 of the Negotiable Instruments Act for the dishonour of two cheques bearing Nos.000634 dated 10.04.2024 and 000635 dated 10.05.2024, each for a sum of Rs.1,00,000/-, drawn on HDFC Bank, Karaikudi.

3. The petitioner has stated that the case is now posted for complainant side further evidence and at this stage he seeks to mark his Income Tax Returns for the year 2023–2024. It is further stated that the said document is necessary to prove his source of income and financial capacity and if he is not permitted to produce the same, he will be put to irreparable loss and hardship. Hence, he prayed to allow the petition.

3. Per contra, the respondent/accused has filed a counter stating



that the petition is liable to be dismissed in limine. It is contended that the petitioner was already examined as PW1 and cross-examined. During cross examination, questions were put regarding his income and Income Tax Returns and only thereafter this petition has been filed. It is further contended that the petitioner had sufficient opportunity to produce the said document at the time of chief examination but failed to do so and there is no prima facie necessity to mark the document at this stage. Hence, he prayed for dismissal of the petition.

4. This court heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, the case is still at the stage of complainant side further evidence. The reason stated by the petitioner for recalling PW1 is to mark the Income Tax Returns for the year 2023–2024 in order to establish his financial capacity, which was questioned during cross examination. In a case under Section 138 of the Negotiable Instruments Act, the financial capacity of the complainant assumes relevance when it is specifically disputed. Though the respondent has raised objection stating that the petitioner had earlier opportunity, this court is of the view that the evidence sought to be produced is relevant for proper



adjudication of the case. The document sought to be marked appears to be relevant and necessary for deciding the real issue involved in the case.

6. Further, no prejudice will be caused to the respondent, as he will have full opportunity to further cross examine PW1 with regard to the said document and to rebut the same in accordance with law.

7. In the result, this petition is allowed. The petitioner is permitted to recall himself as PW1 and mark the Income Tax Returns for the year 2023–2024, subject to the right of the respondent to further cross examine him in respect of the said document.

Pronounced by me in the open court, this the 27th day of April, 2026.

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