

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 24th day of Novermber 2025

CrI.MP.No.34/2025

in

Calender Case No.43/2024

D.Chithra, (Age.38/2024)

W/o. Gautham,

No.5/11, Easappa Chettiar Street,

Karaikudi Taluk,

Sivagangai District.

(Through the above person's

power agent and her husband Gautham

....Power of Attorney of
the Petitioner / Complainant

\vs/

Muthu, (Age.55/2024),

K.N.Bangala Road,

Gonapat – 622 503,

Pudukkottai.

.....Respondant/ Accused

This complaint is coming on 24.11.2025 before this court in the presence of Thiru.V.P.Kamalathayalan who is appearing for the complainant and respondent side of advocate

Thiru.A.Athmanathan and upon perusing this case records and having stood over for consideration till this day and this Court has passed the following

1. The petitioner, who is the complainant in the main case, has filed the present petition under Section 277(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking permission to examine one additional witness, namely Mr. Rajaprabhu, who is stated to be the scribe of the document written on a Rs.20/- stamp paper. The main complaint has been filed under Section 138 of the Negotiable Instruments Act, involving an alleged cheque liability of Rs. 12,00,000/-.

2. The petitioner submits that the evidence of the said witness is essential for just adjudication of the matter, as the said witness is connected with the preparation of the document relied upon by the complainant. It is further contended that permitting the said witness to be examined would not cause any prejudice to the respondent/accused and that the respondent would have full opportunity to cross-examine him.

3. Per contra, the respondent/accused has filed a detailed counter, opposing the petition contending that the application is

liable to be dismissed in limine. The respondent alleges that the document in question was forged and created for the purpose of the present case, and that the said Rajaprabhu has no connection whatsoever with the transaction or with the present proceedings. On this basis, the respondent prayed for dismissal of the petition.

4. This Court has carefully considered the rival submissions advanced on either side and has perused the materials placed on record. The main case is presently posted under the caption Complainant Side Further Evidence, indicating that the stage of the proceedings is still open for the complainant to adduce any remaining or additional evidence.

5. At this stage, the Court is required only to ascertain whether examination of the proposed witness is necessary for a just decision and whether the application satisfies the requirement of Section 277(2) BNSS. The truth, relevance, or reliability of the witness's testimony is a matter to be decided only after evidence is recorded, and cannot be grounds for rejecting the petition at the threshold.

6. In view of the stage of the trial, and considering that the complainant is entitled to lead further evidence, this Court finds that the petitioner has rightly moved the present application. Further, adequate safeguards exist for the respondent, as the respondent/accused shall have full opportunity to cross-examine the said witness and to rebut the complainant's case.

7. Accordingly, this Court is of the considered opinion that allowing the examination of the said witness will advance the cause of justice and will not in any manner prejudice the respondent. Therefore, the petition deserves to be allowed.

8. The petition filed under Section 277(2) BNSS, 2023 is hereby allowed. The complainant is permitted to examine Mr. Rajaprabhu as an additional witness in support of his case. The respondent/accused is also permitted to cross-examine the said witness.

Pronounced by me in the open court, this the 24th day of November 2025.

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

