

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF , VALLIYOOR

Present: Mithuna.A.Kaiser, Additional District Munsif, Valliyoor
Wednesday, On the day of 12th day of February 2025.

M.P No.16/2025

in

STC No.115/2023

Iyammal

... Petitioner/Accused

-Vs-

Jegathambigai

... Respondent/Complainant

This petition came before this court on 30.01.2026 for final hearing in the presence of Thiru. P. Thangeswaran, Learned counsel for the Petitioner/Accused, Thiru.G.Kartheesan, Learned counsel for the Respondent/Complainant and upon hearing both sides, perusing the case records, and having stood over the consideration till this day, this court hereby delivers the following:

ORDER

The petitioner/accused had filed this petition under Section 315 of Cr.P.C., seeking permission to examine herself as competent witness for defence and other witnesses to examine on the side of accused.

1. GIST OF THE PETITION:

1.1. The petitioner/accused had filed this petition to examine herself as defence side witness and to examine the Bank Manager, SBI, Nanguneri Branch and Bank Manager, IOB, Eruvadi Branch as defence side witness. It was stated in the petition

that the case was posted for defence side evidence. In order to disprove the case and to rebut the evidence of the complainant and to arrive just decision of the case, it was necessitated to examine the accused herself and other witnesses like bank manager to examine as defence side witness failing which, the petitioner/accused will put to irreparable loss.

2. GIST OF THE COUNTER:

2.1. The petition is not maintainable in law and facts and should be dismissed at limine. Facts of the petition is false and frivolous one. The present petition to examine the accused herself in order to mark bank statement whereas the respondent/complainant has filed bank memo and other documents. Therefore there is no necessity to examine the petitioner and thus , prays for dismissal of the petition with cost.

3. POINT FOR CONSIDERATION:

whether the petition has to be allowed or not ?

3.1. The petitioner/accused had filed this petition to examine herself as defence side witness, further to examine the Bank Manager, SBI, Nanguneri Branch and Bank Manager, IOB, Eruvadi Branch On the other hand, the respondent/complainant contended that the petition is not maintainable as respondent/complainant has filed bank memo and other documents and prays for dismissal of the petition.

3.2. On perusal of records it is found that, the complainant side evidence was closed and the case was posted for accused side evidence. Even though the petition is

filed to examine the accused herself as accused side evidence but also for examining other bank managers as accused side evidence. Hence, this court is of considered view that, the accused right to examine herself to disprove the complainant's case is an substantive right conferred under section 315 of Cr.P.C and it cannot be denied merely because no reasons were given for examining witness other than the accused. Furthermore, allowing the petitioner/accused to examine herself as defence witness will not cause any prejudice to the complainant. Hence this petition deserves to be allowed with respect to examine the accused only as defence side evidence under section 315 of Cr.P.C..

In the result, this petition is allowed with respect to examine the accused as defence side evidence. No cost

This Order dictated to the Typist, directly typed in computer by him, corrected and pronounced by me in open Court, on 12th day of February 2026.

Additional District Munsif,
Valliyoor.

Additional District Munsif Court,
Valliyoor

MP.No.16/2025

in

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Draft/Fair Order

Dated:12.02.2026