

In the court of the Fast Track Court (Magisterial Level), Kovilpatti

Present: Thiru.K. Anand., M.L.,

Judicial Magistrate,(FAC)

On this 23rd day of June month of 2026,

Crl.M.P.No. 56/2026

in

C.C.No. 40/2017

Rajkumar

.... Petitioner/ Complainant

/Vs/

Mahendran

.... Respondent / Accused

ORDER

This petition is filed by the leared Petitioner's counsel Thiru.R.Radhakrishnan and Thiru.B.Muthukannan appeared for the Respondent and having perused the available materials on record this court delivered the following.

Brief of petition

1. This petition is filed u/s.311 of Crpc r/w 145(2) of NI Act. The petitioner is the Complainant in this case and the respondent is the Accused in this case.
2. The petitioner in the petition states that the PW1 had already chief and cross examined. During the cross examination of PW1, the defence counsel taken defence that the complainant lacks a valid registration certificate to run the agency and the complainant have no legal standing to file this complaint. The complainant firmly denied this defence.

3. The complainant possesses an original registration certificate(Form D) issued by the Government of TN Commercial Tax department, dated 03.05.2007 which proves the agency is duly registered and authorized to conduct business. A copy of this certificate, verified and signed by a Notary Public, was submitted alongside the original complaint. The original certificate is ready to be presented for the court's inspection whenever required.
4. The complaint relied on the judgement of the Hon'ble Supreme Court in Tedhi Singh Vs Narayandas Mahant.
5. Hence filed this petition for reopening the petitioner side evidence and to mark related above document through PW1.

Counter

6. The Respondent objected that this petition is liable to be dismissed and the contents of the petition is false. The competence of the petitioner to carry on business has to be established in complaint, notice, Proof affidavit and not at this stage of the case. The above judgment no applicable to the facts of this case. The allowance of this petition would cause serious prejudice to the respondent. The petitioner after long delay filed this petition only to fill up the lacuna or omission.

The point for consideration is whether this petition is to be allowed or not?

7. Both sides heard. Records perused.

8. The petitioner filed this petition to reopen the petitioner side evidence for examining PW1 and marking the Registration certificate of his agency. But, the respondent objected that the details of above documents was not stated in the complaint and this petition is filed after huge delay only to fill up the lacuna or omission. The petitioner case is that above document is necessary to prove this case.
9. Considering the fact that no prejudice will be caused to the Respondent and giving fair opportunity to petitioner to prove his case and petitioner shall prove his case only by re-examining the PW1 and marking above registration certificate and interest of justice, yet another opportunity may be given to the petitioner to re-examine the PW1 by reopening the case and petitioner is permitted to mark relevant documents on the petitioner side.

Hence this petition is allowed accordingly.

Dictated to the Steno-Typist and directly typed by her in Computer and corrected by me and Pronounced by me in the open court on this day 23rd day of June 2026.

Judicial Magistrate,
Fast Track Court,
Kovilpatti(FAC).