

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, SRIVILLIPUTTUR.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,
Judicial Magistrate, Fast Track Court, Srivilliputtur.

Friday, on the 13th day of February 2026

M.P. No. 12 of 2026

in

S.T.C.No. 211 of 2025

D. Soosaimariyan

...Petitioner/Complainant

-vs-

P. Vinoth Madusuthanan

...Respondent/Accused

This Petition came up before this Court today i.e. 13.02.2026. Advocates M/s. K.Shanthakumar, M. Vishwanathan, P. Muthukumar, T. Dineshpandi & B. Harikaran, for the Petitioner/Complainant, Advocates M/s. M. Muthukumar, T. Priyadharshini & D.Kumaira Banu, for the Respondent/Accused. Upon hearing both sides and Upon perusing the case records, this Court delivers the following:

ORDER

1. The Petitioner had filed the above Petition under Section 348 Bharathiya Nagarik Suraksha Sanhita, seeking an order to recall PW1 for the purpose of the exhibiting the Cheque bearing No.000131 drawn on Karur Vysya Bank, Srivilliputhur Branch and the Acknowledgement receipt for receiving Legal Notice.

2. The Petitioner had stated that he was examined in Chief on 25.07.2025. With regard to the dishonour of the Cheque bearing No.000131 drawn on Karur Vysya Bank,

Srivilliputhur Branch, he had issued Legal Notice dated 19.07.2024 and the Accused had received the same. Those documents have to be exhibited on the side of the Complainant, failing which the Complainant will be put to irreparable loss and hardship. Hence the above Petition.

3. The Respondent had filed Counter, stating that the above Petition is not maintainable. The Case is in the stage of Complainant side further evidence and that the Complainant was examined on 25.07.2025, he was also Cross Examined. The Petitioner's claim about the said Cheque, it's dishonoured the Legal Notice issued in connection with it are absolute false. The Petitioner had filed the above Petition with intent to protract the above Case and as such the Petitioner is not entitled for the Petition relief. Hence the Respondent prayed for dismissal of the above Petition.

4. The Point for consideration, is whether the above Petition has to be allowed or not?

5. As stated by either parties, the case is, in the stage of Complainant side further evidence and that the Complainant/PW1 was examined on 25.07.2025 and he was also cross examined on 20.08.2025. Now that the Petitioner/Complainant had came up with the above Petition, without saying the relevancy of the said Cheque and Legal Notice issued in pursuant thereto. In fact, the Petitioner had earlier examined the Branch Manager, Karur Vysya Bank, Srivilliputhur as PW2. During his Examination the said Cheque and the Return Memo pertaining to the said Cheque bearing No.000131 were

marked. Now the Complainant wants the Legal Notice issued in pursuant there to and the Acknowledgement therefor has to be marked. While filing the Complainant, the Complainant has to come before the Court with all material records. At the same time, only as because the Complainant had not filed all material records, while instituting the case, it can not be said that the Complainant could not file those documents, there after. Such act of filing documents in parts, will definitely prolong the Case. In such circumstances, the rival party has to be suffer the ordeal of Trial, further. The same has to be mitigated. Hence this Court is of the considered view that the above Petition could be allowed on terms.

In the result, the above Petition is allowed on Condition that the Petitioner pays a sum of Rs.1,000/- (Rupees One Thousand Only) to the Respondent on or before 16.02.2026, call on 17.02.2026.

Dictated to the Steno Typist, Transcribed and Typed by her, in Computer corrected and pronounced by me in Open Court this, the 13th day of February 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

Petitioner side witness & Documents : Nil

Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court
Srivilliputtur.