

**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.

Thursday, on the 22<sup>nd</sup> day of January 2026

**Cr.M.P. No. 18 of 2026**

**in**

**S.T.C. No. 798 of 2025**

E. Amalopavam Theres Rani

...Petitioner/Accused

-vs-

A. Mariya Dayana

...Respondent/Complainant

This Petition came up before this Court today i.e. 22.01.2026. Advocates M/s. R.Thiruppathi, S. Muniappan & R. Prabukumar, for the Petitioner/Accused. Advocates M/s. K. Shandakumar, M. Viswanathan, P. Muthukumar, T. Dineshpandi & B.Hariharan, for the Respondent/Complainant. Upon perusing the case records, this Court delivers the following:

**ORDER**

1. The Petitioner/Accused had filed the above Petition under Section 145(2) of Negotiable Instruments Act, seeking an order to recall PW1, for cross examination.

2. The Petitioner had stated that the above case is posted for Defence side further evidence. As the Petitioner/Accused had not got some important documents, the said witness could not be cross examined on 04.07.2025 by the Petitioner/Accused. The

documents and information, required for Cross Examining PW1 were received now only. In order to establish her Defence, she case to Cross examine PW1. Hence PW1 has to be recalled and the Petitioner/Accused has to cross examine the Respondent/PW1. Cross Examination of the Respondent/PW1, is necessary, failing which, the Petitioner/Accused will not be in a position to put-forth her defence. She will be put to untold hardship.

3. In view of the limited prayer made in the above Petition, notice to Respondent is dispensed with.

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

5. Since, Pre-summons evidence was taken. The Petitioner/Accused had no opportunity to cross examine PW1, earlier. The Petitioner/Accused had stated that in order to establish her defence, cross examination of PW1 is necessary. Since the Petitioner/Accused had not admitted the Complainant's case and argued that she has defence and to establish the same, she should be permitted to Cross Examine PW1 and that the Chief Examination of Respondent/Complainant was taken at Pre-Summons stage, this Court is of the considered view that the Petitioner is entitled for the Petition relief.

In the result the above Petition is allowed. No cost.

Dictated to the Steno Typist and Typed by her, directly in Computer corrected and

pronounced by me in Open Court this, the 22<sup>nd</sup> day of January 2026.

Judicial Magistrate, Fast Track Court  
Srivilliputtur.

Petitioner side witness & Documents : Nil  
Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court  
Srivilliputtur.