

**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.

Tuesday, on the 27th day of January 2026

M.P. No. 14 of 2026
in
S.T.C.No. 215 of 2025

M. P. Vinoth Madusuthanan

...Petitioner/Accused

-vs-

P. Thangamuniyandi

...Respondent/Complainant

This Petition came up before this Court on 22.01.2026. Advocate Mr. M.Muthukumar, for the Petitioners/Accused. Advocate Mr. A. Sakthirajan, for the Respondent/Complainant. Upon hearing both sides and Upon perusing the case records, this Court delivers the following:

ORDER

1. The Petitioner/Accused had filed the above Petition under Section 348 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking an order to recall PW1.

2. The Petitioner/Accused had stated that when the Respondent/PW1 was examined in Chief, the Petitioner/Accused's Counsel was out of station and as such PW1 could not be cross examined. The same is not wanton. It is act of God. The Petitioner/Accused has to be Permitted to Cross Examine PW1. The same is just and necessary, failing which the Petitioner will be put to irreparable loss and untold hardship

and will not be able to prove his case. Hence the above Petition.

5. The Respondent counsel had filed Counter stating that he had filed the above case for offence under Section 138 of Negotiable Instruments Act and examined himself as PW1 on 10.12.2025 and thereafter several Opportunity was granted to the Petitioner/Accused to Cross Examine PW1, the Petitioner/Accused had not come forward to Cross Examine, PW1. Hence Cross Examination of PW1 was closed and the case is posted for Complainant side further evidence. The Accused had filed the above Petition, only in order to Protract the case. Hence the Respondent prayed for dismissal of the above Petition.

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

7. On Perusal PW1 was examined in Chief on 10.12.2025 and the case was adjourned to 19.12.2025 and 08.01.2026, as the Petitioner had not Come forward to Cross Examine PW1, Cross Examination of PW1 was closed. The Petitioner/Accused had only stated that on the date of PW1's Chief Examination, his Counsel was out of station and as such, the Respondent/PW1, could not be Cross Examined on the date of his Chief Examination. The Petitioner had not stated any reason, for not Cross Examining PW1, when the Petitioner/Accused was granted opportunity to Cross Examine PW1. However disposing the case on merit, will be in the interest of justice. In order to strike balance between the interest of both side, 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, the Petitioner, pays a sum of Rs. 1,000/- (Rupees One Thousand Only) to the Respondent on or before 02.02.2026. Call on 03.02.2026.

Dictated to the Steno Typist, and Typed by her, in Computer corrected and pronounced by me in Open Court this, the 27th 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.