

**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.

Wednesday, on the 25th day of March 2026

M.P. No. 22 of 2026

in

S.T.C. No. 215 of 2025

P. Vinoth Madusuthanan

...Petitioner/Accused

-VS-

Thangamuniyandi

...Respondent/Complainant

This Petition came up before this Court today i.e. 25.03.2026. Advocate Mr. M.Muthukumar, for the Petitioner/Accused. Advocates 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 Accused had filed the above Petition under Section 145(2) of Negotiable Instruments Act, seeking an order to Permit the Petitioner/Accused to examine the Record Clerk, Srivilliputhur, Government Hospital, as Witness, in his Defence.

2. The Petitioner/Accused had stated that the Respondent filed the above Complaint alleging that the Petitioner/Accused had borrowed Rs. 10,00,000/- (Rupees

Ten Lakhs Only) from the Respondent/Complainant. The Petitioner/Accused had not met the Respondent/Complainant on 10.07.2024 and had not borrowed any money from the Complainant and had not issued Cheque in favour of the Respondent/Complainant. On that day, the Petitioner/Accused worked in Government Hospital Srivilliputtur. In Order to prove the same, the Record Clerk of the Government Hospital Srivilliputtur has to be examined, in this Case. Hence the above Petition has to be allowed.

3. The Respondent had filed Counter stating that the Petitioner had not asked any Question to PW1, during Cross Examination, as if, the Petitioner was working in the Hospital. As such, the above Petition is not maintainable. 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. By filing the above Petition, the Petitioner wants to establish that he was working in the Hospital, during the time, when the Complainant claimed that he lend money to the Accused and when the Accused issued Cheque. The Respondent's objection is that regarding that fact, PW1 was not questioned during Cross Examination. Since the Petitioner/Accused himself had come before this Court, seeking leave to Permit, him to examine the Record Keeper, Government Hospital Srivilliputtur, in order to prove that he was in duty on those days, when the Complainant stated to have met the Petitioner/Accused and that the said Witness happens to be Public Servant, Unless

witness summons is issued, his appearance could not be procured, this Court is of the considered view that the above Petition, could be allowed.

In the result the Record Clerk, Srivilliputhur, Government Hospital, is ordered to Produce, Petitioner's Attendance Register for the date 10.07.2024. The Petitioner is ordered to deposit Private Witness Batta of Rs. 1,000/- (Rupees One Thousand Only) within Five Days.

Dictated to the Typist and Typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 25th day of March 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

Petitioner side witness & Documents : Nil

Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court
Srivilliputtur.