

**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 27th day of February 2026

M.P. No. 36 of 2026
in
S.T.C. No. 862 of 2024

R. Nehruji

...Petitioner/Accused

-vs-

L. Sivaraj

...Respondent/Complainant

This Petition came up before this Court today i.e., 27.02.2026. Advocates M/s. M.Kamaraj & S. Sivasubramaniam, for the Petitioner/Accused. Advocate Mr. J.Marikumar, 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 353 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking an order to permit the Petitioner/Accused to examine himself as witness.

2. The Petitioner/Accused had stated that there is no direct transaction between the Complainant and the Accused, with regard to the Case Cheque and that he has some important documents. He had also stated that there is no transaction, took place

inbetween the Complainant and the Accused and that in order to prove the same, he has to be examined as defence witness. Unless he is examined, he will put to irreparable loss. For allowing the above Petition, the Respondent could not have any objection. Hence the above Petition.

3. The Respondent had filed Counter, stating that the above Petition is not maintainable. Filing of the above Petition, without List of documents and List of Witnesses is not maintainable. The above Petition has been filed belatedly. For that he has not given any reason. 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 contended by the Respondent Counsel, when the Case was posted for Judgement, the Petitioner/Accused came up with application to recall the said Complainant Side Witnesses. The said application was allowed. Only then cross examination was done. Even thereafter, when the Case was posed for defence evidence, the Accused had not availed that opportunity and let in any defence evidence. Now when the Case is posted for Arguments, the Petitioner/Accused had come up with above application, stating that there is no transaction between him and the Complainant. Since he is facing Trial for offence under Section 138 of Negotiable Instruments Act, though he had not availed the opportunity, granted by this Court, disposing the Case on merit will be the interest of justice and will ensure Fair Trial, 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 05.03.2026, call on 06.03.2026.

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