

**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 13<sup>th</sup> day of March 2026

**M.P. No. 44 of 2026**

**in**

**S.T.C. No. 862 of 2024**

L. Sivaraj

...Petitioner/Complainant

-vs-

R. Nehruji

...Respondent/Accused

This Petition came up before this Court today i.e. 13.03.2026. Advocates M/s. J.Marikumar, R. Sankaranarayanan & G.Chandraprakash, for the Petitioner/Complainant. Advocate Mr. G.Muthuraj & P. Muneeswaran, 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 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking an Order to Recall DW1, for Cross Examination.

2. The Petitioner had stated that the Petitioner had filed the above Case for offence under Section 138 of Negotiable Instruments Act, against the Respondent. On 11.03.2026 the Respondent was examined as DW1 on that day the Petitioner had severe

stomach ache, hence could not appear before this Court and that he could not instruct his Counsel, regarding the same. His absence is not wanton. It is act of God. Unless DW1 is recalled and Cross examined, the Petitioner will be put to irreparable loss. Hence the above Petition.

3. The Learned Counsel for the Respondent had endorsed "Petition may be allowed on Terms".

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

5. Since on 11.03.2026 the Respondent was examined as DW1 and it is stated that the Petitioner has not cross examined DW1, on that day, as he was not present in the Court and give instruction to his Counsel, regarding DW1's Chief Examination. The said contentions were not denied or disputed by the Respondent. Rather Respondent had endorsed that the Petition may be allowed on Terms. Since disposing the Case on merit, will be in the interest of justice and considering the reasons stated by the Petitioner and the endorsement made by the Respondent's Counsel and in the interest of justice and in order to ensure Fair Trial, this Court is of the considered view that the Petitioner is entitled for the Petition relief

In the result the above Petition is allowed on Condition, the Petitioner pays a sum of Rs.500/- (Rupees Five Hundred Only) to the Respondent, on or before 17.03.2026.

Call on 18.03.2026.

Dictated to the Typist and Typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 13<sup>th</sup> 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.