

**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.

Monday, on the 1st day of December 2025

M.P. No. 5 of 2025

in

S.T.C. No. 1121 of 2025

S. Mahalakshmi

...Petitioner/Accused

-vs-

K. Thandayuthapani

...Respondent/Complainant

This Petition came up before this Court today i.e., 01.12.2025. Advocates M/s. R.Ajithkumar & K. Dineshkumar, for the Petitioner/Accused. Advocates M/s. B.Vijayan & K. Krishnasamy, 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 311 Code of Criminal Procedure, seeking an order to recall PW1, for cross examination.

2. The Petitioner/Accused had stated that the Respondent/Complainant examined himself as PW1 on 13.08.2025. On that day, the Petitioner's Counsel engaged in another case before Hon'ble Madras High Court, Madurai Bench, hence could not cross examine PW1. The Petitioner/Accused has to be Permitted to Cross Examine PW1, failing which

the Petitioner will be put to irreparable hardship and inconvenience. Hence the above Petition.

3. In view of the Limited Prayer, sought for in the above Petition, notice to Respondent had been dispensed with.

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

5. Considering the reason stated by the Petitioner/Accused and that the Respondent/PW1 was not cross examined earlier and that the Respondent/Complainant was examined in Chief, as Pre-Summons and in the interest of justice and in order to ensure Fair Trial, this Court is of the considered view that the above Petition, could be allowed.

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 1st day of December 2025.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

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

Judicial Magistrate, Fast Track Court
Srivilliputtur.