

**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 17th day of March 2026

M.P. No. 8 of 2026

in

S.T.C.No. 1121 of 2025

Mahalakshmi

...Petitioner/Accused

-vs-

Dhandayuthapani

...Respondent/Complainant

This Petition came up before this Court today i.e. 17.03.2026. Advocates M/s. Mr. R.Ajithkumar for the Petitioner/Accused. Advocate 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 had filed the above Petition under Section 348 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking leave to the Petitioner to examine her as defence witness and to exhibit documents.

2. The Petitioner/Accused had stated that the Case is in the stage of defence evidence. On 18.02.2026, when the case was in the stage of Defence Evidence, the Petitioner's Petition to Re-Call, witness for Cross Examination, was returned for Certain Defects. Hence during such time, Defence Evidence Could not be let in. Hence Defence

Evidence was Closed. Hence the Petitioner has come before this Court, seeking an order to Re-Open the case, for the Purpose of Defence Evidence.

3. The Respondent had filed Counter denying the Petitioner's Claim. The Respondent had stated that the above Petition is not maintainable under Section 348 of Bharathiya Nagarik Suraksha Sanhita 2023, since the same pertains to Recall of Witness. The case was posted for Defence Evidence on 11.02.2026 and 18.02.2026. The Petitioner by repeated filing Re-Call Petition and later filing Memo stating Criminal Original Petition filed before the Hon'ble High Court had been protracting the case. Even when the case was posted for PW1 Cross Examination, the Petitioner had not got along with the case. 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. Though the Petitioner had not availed the opportunity, granted by this Court and let in Evidence in Defence, Since the Petitioner/Accused is facing Charge for Offence Under Section 138 of Negotiable Instruments Act, 1881 and that this Court is bound to give opportunity to the Petitioner/Accused to put-forth his Case, this Court is of the considered view that the Petitioner is entitled for the Petition relief. Moreover it is settled law that Misquoting Provision of Law will not, non-suit the Applicant.

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 17^h 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.