

**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 11<sup>th</sup> day of February 2026

**M.P. No. 9 of 2026**

**in**

**S.T.C. No. 1360 of 2025**

B. Gurusamy

...Petitioner/Accused

-vs-

S.P. Sankar

...Respondent/Complainant

This Petition came up before this Court today i.e. 11.02.2026. Advocates M/s. V.Velraj, V. Gowrisankar, S. Rajaselvi, M. Prabhu, G. Pandiaraj & S. Venkatraman, for the Petitioner/Accused. Advocate Mr. S. Ganesan, 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 Petition under Section 145 of Negotiable Instruments Act read with Section 348 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking an Order to Recall PW1, for Cross Examination.

2. The Petitioner/Accused had stated that the PW1 was examined on 25.08.2025 and exhibited P1 to P5. As the Petitioner/Accused had not got some important documents, the said witness could not be cross examined by the Petitioner/Accused. The

act of not Cross Examining PW1 is not wanton. It is act of God. 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. The Respondent counsel had endorsed in the Docket as, "No Counter".

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

5. Since, Pre-summons evidence was taken. The Petitioner/Accused had no opportunity to cross examine PW1, earlier. The Petitioner/Accused had stated that in order to establish his defence, cross examination of PW1 is necessary. The same was not denied or challenged by the Respondent/Complainant by filing any counter. The Respondent had endorsed No Counter. Since the Petitioner/Accused had not admitted the Complainant's case and argued that he has defence and to establish the same, he should be permitted to Cross Examine PW1 and that the Chief Examination of Respondent/Complainant was taken at Pre-Summons stage, this Court is of the considered view that the Petitioner is entitled for the Petition relief.

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 11<sup>th</sup> 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.