

**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 8th day of May 2026

M.P. No. 6 of 2026
in
S.T.C. No. 266 of 2026

Thangam

...Petitioner/Accused

-vs-

Marichamy

...Respondent/Complainant

This Petition came up before this Court today i.e. 08.05.2026. Advocate Mr. R.Rajkumar, for the Petitioner/Accused. Advocates Mr.M.Muthukumar 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(2) of Negotiable Instruments Act, 1881 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 and marked Ex.P1 to P6, at the initial stage of numbering the case. The Petitioner/Accused had stated the Respondent/Accused had filed the case with false allegation, without any legally enforceable debt, under the Cheque. The Petitioner/Accused had also stated

STC.No.16 of 2025 is also pending before this Court, which Case was filed by the Own Brother of the Respondent/Complainant.

3. During the pendency of that case, there is no possibility to issue another Cheque, in favour of the Complainant. The Complainant's parents were dealing with the Accused and they were doing Real Estate Business jointly. Some misunderstanding erupted between them. Hence they have misused the Accused's Cheques, which was already kept by the Respondent/Complainant's mother. 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 made in the above Petition, notice to Respondent is dispensed with.

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

5. Since Pre-Summons had been taken in this Case and that the Petitioner/Accused had stated that Cross Examination of Respondent/Complainant is essential and that when the Accused, had come up before this Court, seeking an order to Re-Call PW1, if PW1 was examined in Pre-Summons, stage, this Court is legally bound to allow the above Petition. Hence 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 Typist and Typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 8th day of May 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

Petitioner side witness & Documents : Nil

Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court
Srivilliputtur.