

**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 19th day of June 2026

M.P. No. 5 of 2026
in
S.T.C. No. 1959 of 2025

Selvarani

...Petitioners/Accused

-vs-

Marimuthu

...Respondent/Complainant

This Petition came up before this Court today i.e., 19.06.2026. Advocates M/s. M.Kartheeswaran & K.Arvind Prabhu for the Petitioner/Accused. Advocates M/s. M.Marikkannan & A.Martin Prathipan for the Respondent/Complainant. Upon hearing both sides and Upon perusing the case records, this Court delivers the following:

ORDER

1. The Petitioners/Accused had filed the above Petition under Section 348 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking an order to Recall PW1 for Cross Examination.

2. The Petitioners/Accused had stated that Complainant side evidence has been closed. Due to unavoidable circumstances and inconvenience, of the Petitioner's Counsel, the said witness could not be Cross Examined, by the Petitioner/Accused. The act of not Cross Examining PW1 is not wanton. It is for bonafide reasons, beyond the

Control of the Petitioner. The Petitioner/Accused has to be Permitted to Cross Examine PW1, in order to effectively defend the case, failing which the Petitioner will be put to irreparable hardship and inconvenience. Hence the above Petition.

3. In Spite of giving Opportunity the Respondent had not filed Counter. Hence the Chance for filing Counter is closed.

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

5. Since Pre-Summons Evidence 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, Typed by her directly, in Computer corrected and pronounced by me in Open Court this, the 19th day of June 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

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

Judicial Magistrate, Fast Track Court
Srivilliputtur.