

**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. 1489 of 2025

Pandi

...Petitioners/Accused

-vs-

Balamurugan

...Respondent/Complainant

This Petition came up before this Court today i.e., 17.03.2026. Advocates M/s. J.Prabhakaramoorthi, M.Vikram Mathivannan, & V.Keerthana for the Petitioner/Accused. Advocate M/s. K.Sankaralingam, & R.Ponvelpandiyan 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 on 15.10.2025, Pre-summons evidence was taken, as such the Petitioner could not Cross examine the Respondent/PW1. Summons was issued for Petitioner/Accused appearance on 17.11.2025. However in

view of ill health, the Petitioner had not appeared, hence Bailable Warrant was issued against him. On 13.02.2026, the said Bailable Warrant was cancelled. The Cross Examination of PW1 is necessary. If, PW1 is not cross examined, the Petitioner/Accused, will be put to untold hardship and loss. 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 evidence was taken and that the Petitioner/Accused had now come, before this Court, stating that unless PW1 is cross examined, he will be prejudiced, this Court is of the Considered view that the Petitioner could be given an opportunity to cross examine PW1. The Petitioner is entitled for the Petition relief.

In the result, the above Petition is allowed. No Cost.

Dictated to the Steno-Typist, Typed by her directly, in Computer corrected and pronounced by me in Open Court this, the 17th 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.