

**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 16th day of December 2025

M.P. No. 20 of 2025
in
S.T.C. No. 900 of 2022

Jeyakannan

... Petitioner/Complainant

-vs-

Ramachandran

... Respondent/Accused

This Petition came up before this Court today i.e., 16.12.2025. Advocate Mr. S.Venkatesh, for the Petitioner/Complainant. Advocates M/s. B. Muthukannan & A.Murugesan, for the Respondent/Accused. Upon hearing the Petitioner's Counsel and Upon perusing the case records, this Court delivers the following:

ORDER

1. The Petitioner had filed the above Petition under Section 145 (2) Negotiable Instruments Act Read with 254 (2) Code of Criminal Procedure, seeking on order permit the Petitioner to file Additional Proof Affidavit and to Exhibit the Respondent/Accused deposition in Cross Examination in STC No.1557 of 2022.

2. The Petitioner had stated that, he had filed the above Complaint against the Respondent for Offence under Section 138 of Negotiable Instruments Act. On 07.03.2023 the Petitioner was examined as PW1, Ex.P1 to P6 were marked. On

03.09.2025, PW1 was cross examined. In the mean time, in STC No.1557 of 2022, during Cross Examination, the Respondent/Accused had admitted that the signature in this Case Ex.P1, is his signature. Ex.P1 Cheque in the above case, has been exhibited as Ex.P5 in STC No.1557 of 2022. Hence the Certified Copy of Ex.P1 marked as Ex.P5 in STC No.1557 of 2022 as Ex.P5 and the deposition of the Respondent/Accused in STC No.1557 of 2022 has to be exhibited, before this Court. Since the Respondent had admitted those facts already, for exhibiting those documents, in the above, case there won't be any objection, for allowing the above Petition.

3. The Respondent had filed Counter, stating that the above case is, in the stage of Defence evidence. The Petitioner's claim are false in entirety. The Petitioner has the burden to prove his Claim. The Petitioner's claim, that he has to be further examined, after full fledged cross examination, is inadmissible under law. The Petitioner was examined on 07.03.2023. Thereafter Multiple Opportunity was given to the Petitioner, since 05.09.2024. Only after Court Notice to the Petitioner, the Petitioner had appeared before this Court on 27.06.2025. The above Petition is only an attempt to fill up the lacunae. The same is not permissible. Once the Respondent/Accused, by cross examination of Complainant/PW1, had divulged his Defence, the Petitioner could not file such application, without sufficient material evidence, to over look, his deposition in Cross Examination. Allowing the above Petition, will amount to denova trial. 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. The Petitioner counsel had submitted that after examining the Petitioner/Complainant in Cross, the said case namely STC No. 900 of 2022 and STC No.1557 of 2022 came up, for hearing before this Court on 16.09.2025 and that in STC No. 1557 of 2022 the Respondent/Accused herein was Cross Examined. During such time, the Respondent/Accused had admitted his signature in Ex.P1, in this case and the Certified Copy of Ex.P1 in this Case was marked as Ex.P5 in STC No.1557 of 2022. Since the said admission of the Respondent/Accused is made subsequent to PW1's Cross Examination in the above Case, the same could not be stated in the Complainant's Complaint as well as in his evidence.

6. The Respondent in his Counter, had objected for allowing the above Petition by stating that if the above Petition is allowed, the same will amount to Denova Trial and it will amount to filling up with lacunae. As because, by cross examining PW1, the Accused had divulged his defence. Though the Respondent had filed Counter objecting the above Petition, the Respondent had not denied the said STC No.1557 of 2022 as well as his deposition in that case on 16.09.2025, before this Court. In this case, PW1 was Cross Examined much prior to 16.09.2025. As such, there was no possibility to let in the evidence, proposed to be let in now. Hence the Respondent's apprehension that allowing the above Petition, will amount to De-Nova Trial and fill up with lacunae is not

sustainable.

7. The Proposed Evidence, Prima Facie, appears to be relevant to the above Case. The same could be received subject to Proof and Relevancy and subject to the various Provisions of Indian Evidence Act, 1872 namely Sections 33, 132, 145 and 153. Hence this Court is of the Considered view that the above Petition Could allowed for the Purpose of allowing Additional Evidence, subject to Proof and Relevancy and the above said statutory provisions.

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

Dictated to the Steno Typist, Transcribed and Typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 16th day of December 2025.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

Petitioner side witness & Documents : Nil

Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court
Srivilliputtur.