



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.13911 of 2025

V. Muthukumar

... Petitioner/Petitioner/Complainant

Vs

D.Natarajan

... Respondent/Respondent/Accused

PRAYER :-

To Set aside the order passed by the learned Judicial Magistrate, Fast Track Court, Srivilliputhur, in Crl MP No.665/2025 dt.02.07.2025 in STC No. 59/2023 and direct the learned Judicial Magistrate, Fast Track Court, Srivilliputhur.

For Petitioner : Mr.K.Viralinathan,
Advocate.

For Respondent : No Appearance

ORDER

This petition has been filed to set aside the order passed by the learned Judicial Magistrate, Fast Track Court, Srivilliputhur, in Crl.MP.No.665/2025 dated 02.07.2025 in STC No.59 of 2023.



2. The case of the prosecution that the petitioner herein is the complainant before the trial Court in STC.No.59 of 2023, which is filed under Section 138 of the Negotiable Instrument Act and the respondent is the accused therein. The accused had filed a petition under Section 145(2) of Cr.P.C, seeking to recall PW.1, who was examined in chief on 20.03.2023 and to recall PW.2, who was examined in chief on 10.04.2023 for cross examination and the same was partly allowed by permitting him to recall PW.1. However negating his request to recall PW.2. Challenging the same, this petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner herein, who is the complainant before the Trial Court moved an application before the Trial Court in CrI.MP.No.10 of 2024, seeking interim compensation and the same was allowed on 07.01.2025, which was challenged by the respondent/accused before this Court, in in CrI.RC.(MD)No.327 of 2025 and the same was dismissed by this Court, on 04.06.2025.

4.The learned counsel for the petitioner pointed out that during the pendency of the above said CrI.RC, the accused had moved an application before this Court to transfer the case to the another Court. While the said transfer OP is pending before this Court, he filed CrI.MP.No.665 of 2025



in STC.No.59 of 2023 seeking to recall P.W.1 & P.W.2 which was partly allowed.

5. Under the said circumstances, suspecting the biased nature of the presiding officer, the petitioner has filed this petition challenging the impugned order.

6. Despite notice served upon the respondent, none appeared before this Court either in person or through counsel.

7. As contended by the learned counsel for the petitioner, there is no averment in this petition either as to seeking transfer of the trial from the learned Judicial Magistrate, Fast Track Court, Srivillithur, to some other court or any allegation as to the biased nature of the presiding officer, has been raised.

8. Under such circumstances, a careful perusal of the impugned order would make it clear that there is no infirmity in the order passed by the Trial Court when the same has been partly allowed, permitting the accused to recall PW.1 and negating his application for recalling PW.2.



9. This Court does not find any infirmity in the order passed by the learned Judicial Magistrate, Fast Track Court, Srivilliputhur, in CrI.MP.No.665 of 2025, dated 02.07.2025 in STC No.59 of 2023 and accordingly, this Criminal Original Petition stands dismissed.

05.02.2026

NCC : Yes / No
Index : Yes / No
dss

TO

The Judicial Magistrate,
Fast Track Court, Srivilliputhur.



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L. VICTORIA GOWRI, J

DSS

ORDER
IN
CRL OP(MD) No.13911 of 2025

Date : 05/02/2026



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