

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Cr1.MC.No. 4878 of 2015 ()

C.M.P.NO.225/2015 IN S.T.NO.15/2015 OF JUDICIAL FIRST CLASS
MAGISTRATE'S COURT-II, NADAPURAM

PETITIONER/ACCUSED:

WAHEEDA T.K., AGED 45 YEARS,
W/O MAJEED, KOYITTIKANDIYIL HOUSE, KAKKATTIL P.O.
KOZHIKODE.

BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN

RESPONDENTS/COMPLAINANT AND STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSESUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.

2. SREE GOKULAM CHIT AND FINANCE CO.LTD.,
CHENNAI, REPRESENTED BY POWER OF ATTORNEY HOLDER,
C.V.SIVADASAN, S/O P.V. GOVINDAN NAMBIAR,
MUKKATTUKUNIYIL HOUSE, ERAMALA AMSOM, ORKATTERY,
KOZHIKODE DISTRICT, PIN:673501.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA
R2 BY ADV. SRI.MAHESH V RAMAKRISHNAN, SC, SREE GOKULAM
CHIT AND FINANCE CO.LTD.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
18-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4878 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE I: COPY OF THE REPLY NOTICE SENT BY THE PETITIONER TO THE 2ND RESPONDENT/COMPLAINANT DATED 27.11.2013.

ANNEXURE II: COPY OF THE CHIEF AFFIDAVIT AND DEPOSITION OF PW1 IN S.T.NO.15/2015 DATED 29.4.2015.

ANNEXURE III: COPY OF THE PETITION IN C.M.P.225/2015 IN S.T.15/15 DATED 23.6.2015 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE-II COURT, NADAPURAM.

ANNEXURE IV: COPY OF THE ORDER IN CMP 225/2015 IN ST 15/15 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE-II COURT, NADAPURAM DATED 2.7.2015.

RESPONDENTS' ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/19/9/15

B.KEMAL PASHA, J.

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CRL.M.C. No.4878 of 2015

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Dated this the 18th day of September, 2015

ORDER

It seems that in a case relating to the offence under Section 138 of the Negotiable Instruments Act, the petitioner, who is the accused herein, has denied the signature in the cheque. She filed C.M.P.No.225 of 2015 before the court below for getting the signature in the cheque examined by an expert. Through Annexure IV order, the court below has dismissed the said C.M.P., by holding that there is no case for the complainant that the contents of the cheque is in the handwriting of the petitioner.

2. On going through the cross-examination of PW1, it seems that the petitioner has specifically denied her signature in the cheque. It is true that PW1 has denied the said suggestion.

3. Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent.

4. On hearing them, I am of the view that the cheque in

question has to be subjected to expert examination for examining the signature. The entire expenses for the same has to be borne by the petitioner. The petitioner shall take steps for the same within one month from today, so that the cheque should be sent for expert examination.

In the result, this Crl.M.C. is allowed to the above extent and Annexure IV stands set aside.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/18/9/15

// True Copy //

P.A. To Judge