

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Cr1.Rev.Pet.No. 1478 of 2004 ()

AGAINST THE ORDER DATED 7.6.2004 IN C.M.P.NO.8595/2003 IN CC 101/2002
of CHIEF JUDICIAL MAGISTRATE, THIRUVANANTHAPURAM DATED 07-06-2004

REVISION PETITIONER(S)/ACCUSED::

SHEEBA HORMIS,
VALIYA VEEDU, T.C.24/1665, MEERA BAGAR 171
THYCAUD P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.S.B.JAYACHANDRAN

RESPONDENT(S)/COMPLAINANT AND STATE::

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1. V.SUSEENDRAN,
THYVILAKAM HOUSE, KOCHUVELI, THIRUVANANTHAPURAM.
 2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

R, BY PUBLIC PROSECUTOR SRI. N. SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

acd

P.D. RAJAN, J.

Crl.R.P.No.1478 of 2004

Dated this the 4th day of November, 2015

ORDER

This revision petition is preferred against the order in C.M.P.No.8595/2003 in C.C.No.101/2002 on the file of Chief Judicial Magistrate Court, Thiruvananthapuram. The revision petitioner, who is the accused in the above C.C., had filed the above C.M.P. u/s.293 Cr.P.C. for sending her specimen handwriting and disputed handwriting in the cheque for expert opinion u/s.73 of the Evidence Act. The Chief Judicial Magistrate had taken specimen handwriting of the accused on 13.2.1994 and other sheets of paper for comparing. She had also produced a diary for comparing the specimen handwriting and disputed handwriting and remitted

fees for the same, but the C.M.P. was dismissed by the learned Magistrate. Being aggrieved by that, she has approached this Court.

2. In spite of specific direction by this Court to take steps to issue notice to the 1st respondent, no steps have been taken by the revision petitioner. As per the report from the Chief Judicial Magistrate, Thiruvananthapuram, it is found that the above case was filed u/s.138 of the N.I. Act and on 15.6.2004, the defence evidence was closed and the case was posted for hearing. Subsequently, on 28.6.2004, the case was stayed by this Court. Therefore, the learned Magistrate could not dispose of the above case. I have gone through the impugned order, in which it is stated that the petitioner produced a diary maintained by her in the year 2000, which contains handwritings of several persons. So that, the handwriting of the revision petitioner could not be

traced out. Moreover, the revision petitioner produced a notice which also contains several handwritings. Hence, the learned Magistrate dismissed the petition by observing that "the diary and the note book produced by the revision petitioner cannot be send to the FSL for comparison and expert opinion, since they are not the admitted handwriting of the petitioner/accused."

3. I do not find any illegality in the above order and the order passed by the learned Chief Judicial Magistrate in C.M.P.No.8595/2003 is confirmed. In the circumstances, the learned Chief Judicial Magistrate is directed to dispose the matter within two months from the date of receipt of a copy of this order. Send back the lower court records forthwith.

Crl.R.P. is disposed of as above.

P.D. RAJAN, JUDGE.

acd