

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1113 of 2015

A.V.Anantha Babu

... Petitioner/Accused

Vs.

Samundeshwari

... Respondent/Complainant

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed in C.C.No.2 of 2012 dated 04.09.2015 by learned Judicial Magistrate, Arakonam

For Petitioner : Mr.P.Krishnan

For Respondent : Mr.R.Vijayakumar

O R D E R

This revision arises against the order of learned Judicial Magistrate, Arakonam, passed in C.C.No.2 of 2012 on 04.09.2015.

2. Disputing that the hand writing on the cheque was not his, the petitioner moved an petition in Crl.M.P.No.4936/2013 on the file of Judicial Magistrate, Arakkonam, seeking verification of the hand writing by an expert. The court below passed an order directing examination of his signature. The petitioner challenged such order in Crl.R.C.No.995 of 2014, before this court informing that as against his prayer seeking verification of his handwriting, the court below had directed examination of his signature. Such petition was allowed and this Court under orders dated 13.10.2014 held that "contemporary handwriting of the petitioner may be forwarded along with the cheque in question to an handwriting expert for the purpose of comparison and report." Thereafter, the petitioner has produced contemporary handwriting of his of the year 2010 i.e the year of the cheque, which were not to the satisfaction of the learned Judicial Magistrate and hence the same were rejected. There against the petitioner moved Crl.O.P.No.15242 of 2015, wherein under orders dated 23.06.2015, this court was pleased to permit the petitioner a period of one month to produce contemporary handwriting to the satisfaction of the court below. The

petitioner again has produced four documents viz three letters addressed to the Assistant General Manager, Indian Bank, and a Counter foil signed by Cashier, Indian Bank ARMB Branch, Chennai-8. The same were found not satisfactory by the court below and hence rejected. There against the petitioner has moved the present revision.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. It is the submission of learned counsel for respondent that the only intent of the petitioner is to delay the proceedings which he successfully has done since the year 2011.

5. In rejecting the documents put forth by petitioner, the court below has found that the three letters merely were signed by petitioner and were not in his hand while there was nothing to indicate that the fourth document so was. Despite having afforded sufficient opportunity, petitioner has not been able to produce requisite contemporaneous writings of his. For the aforesaid reasons, this revision shall stand dismissed.

kpr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate, Arakonam.

2. -do- thro' The Chief Judicial Magistrate, Vellore.

+ 1 cc to Mr.P.Krishnan, Advocate Sr 63106.

+ 1 cc to Mr.R.Vijayakumar, Advocate Sr 63433.

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KR/17/12

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