

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.6.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1013 of 2008
and
M.P. Nos. 1 and 2 of 2008

Govindarajan ... Petitioner/Accused

Versus

Ethirajan ... Respondent/Complainant

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the order dated 19.6.2008 made in Crl.M.P. No. 1988 of 2008 in C.C. No. 284 of 2007 on the file of Judicial Magistrate No.1, Kancheepuram.

For Petitioner : Mr. V.Sairam

For Respondent : No appearance

ORDER

The petitioner has come forward with this Criminal Revision Petition questioning the correctness of the order dated 19.6.2008, passed by the Court below in C.M.P. No. 1988 of 2008 in C.C. No. 284 of 2007.

2. The petitioner is the accused in C.C. No. 284 of 2007 instituted by the respondent herein under Section 138 of the Negotiable Instruments Act. According to the respondent, the petitioner/accused borrowed a sum of Rs.1,00,000/- from him on 10.10.2006 and in order to repay the same, he had issued the cheque dated 18.11.2006, which was dishonoured on its presentation.

3. Pending C.C.No. 204 of 2007, the petitioner has taken out an application in C.M.P. No. 1988 of 2008 under Section 45 of the Indian Evidence Act contending that the complainant was employed with by the petitioner in handling business transactions and the complainant fraudulently taken the cheque in question in order to defraud the petitioner, he put the forgery signature on the cheque. Therefore, in order to verify the genuineness of the signature, the cheque in question has to be sent to handwriting expert.

4. The Court below dismissed the C.M.P. No. 1988 of 2008 holding that the petitioner has not produced any document for comparison of signature. The Court below further stated that the signature of the petitioner/accused in the acknowledgment card for receipt of summons sent from this Court and also in the surrender petition filed by him are similar and there is no differences between them and, therefore, no useful purpose will be solved by sending the cheque for handwriting expert.

5. I heard the counsel for the petitioner and perused the records.

6. Though the petitioner sought for comparison of signature, he has not produced any specimen signature for comparison of signature in Ex.P1. Therefore, it is clear that the present petition has been filed in order to drag on the proceedings and he successfully dragged the proceedings from the year 2008. Further, the Court below has clearly stated that that the signature of the petitioner/accused in the acknowledgment card for receipt of summons sent from this Court and also in the surrender petition filed by him are similar and there is no differences between them.

7. For all the above stated reasons, I do not find any reason to interfere with the reasoned order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petitions are closed. It is open to the petitioner to let in evidence as are available to him to disprove the complaint filed by the respondent/complainant herein before the court below.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Judicial Magistrate No.1, Kancheepuram.
2. -do- Through The Chief Judicial Magistrate Chengalpattu
(for information)

Copy to: The Section Officer,
Criminal Section, High Court, Madras.

Cr1 RC No. 1013 of 2008

AD(CO)
Eu 08.07.15