

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

CrI.R.C.No.392 of 2015

And

M.P.Nos.1 and 2 of 2015

A.T.Mohan Kumar

... Petitioner/Accused

Vs.

E.Pushparajan

Rep. by his brother cum Agent

Mr.E.Kesavan

... Respondent/Complainant

Prayer:

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the records and set aside the order dated 18.03.2015 made in CrI.M.P.No.320 of 2015 in C.C.No.29 of 2014 on the file of the Learned Judicial Magistrate (Fast Track Court) Alandur and allow the Criminal Revision.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.E.Reegan Amarasekaran

O R D E R

The case in brief is that the petitioner had borrowed a sum of Rs.4,50,000/- from the respondent and gave a cheque for repayment of the same, whereas, the cheque was returned by the Bank due to insufficiency of funds. Hence, the respondent preferred a complaint and it was taken on file as C.C.No.29 of 2014 by the learned Judicial Magistrate (Fast Track Court) Alandur. The petitioner filed a petition under Section 45 of the Cr.P.C. before the learned Judicial Magistrate (Fast Track Court) Alandur stating the the signature in the cheque is a forged one and it has to be sent for Expert opinion. The lower Court dismissed the application on the ground that it is a belated one and aggrieved against the same, the revision is filed.

2.According to the petitioner, a chance should have been given because of the fact that the evidence has not been clearly proved that at the point of execution he has put in signature.

3.The learned counsel for the respondent has pointed out that for the statutory notice, he has not given any reply nor in cross examination, it has not been specifically elucidated that the signature was not made by him. He further pleaded that in any way, the matter was posted for defence evidence. At that point of time, belatedly, the application has been filed. It is only to drag on the proceedings. Hence, the lower Court has rightly dismissed the application.

4.Heard both sides.

5.As rightly pointed out by the Court below, since the petitioner has not raised the plea regarding the signature either by way of reply for the statutory notice or in cross examination and filing application very belatedly, the application filed especially at the time of defence evidence cannot be entertained. I do not find any infirmity in the reasoned order of the Court below. In defence, it is open for the petitioner to raise all his points at the time of arguments.

6.The revision is dismissed and the order dated 18.03.2015 made in Crl.M.P.No.320 of 2015 in C.C.No.29 of 2014 by the learned Judicial Magistrate (Fast Track Court) Alandur is confirmed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate (Fast Track Court)
Alandur

2.-Do- Through The Chief Judicial Magistrate,
Chenglepet.

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SKV(CO)
CA(05/08/2015)