

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No. 546 of 2015
and
M.P.No.1 of 2015

I.Martin Ranjan

...Petitioner

Versus

Santhamma Eapen

...Respondent

Revision Petition filed under Section 397 read with Sec. 401 of Cr.P.C. against the Order dated 08.05.2015 made in C.M.P. No. 3014 of 2015 in C.C.No.752 of 2009 on the file of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

For Petitioner : Mr.R.Ganesh

ORDER

The petitioner has come forward with this Criminal Revision Petition questioning the correctness of the order dated 08.05.2015 passed by the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai in C.M.P. No. 3014 of 2015 in C.C.No.752 of 2009. In and by the said order, the Court below dismissed the application filed by the petitioner under Section 45 of the Indian Evidence Act praying to forward the Power of Attorney Deed filed by the complainant to handwriting expert for comparison of the signature with that of the admitted signature of the complainant.

2. The learned counsel for the petitioner submits that the petitioner is accused in C.C.No.752 of 2009 instituted by the respondent herein under Section 138 of the Negotiable Instruments Act. Pending the said proceedings, the petitioner has filed Crl.M.P.No.3014 of 2015 contending that the respondent/complainant did not prefer the petition under Section 138 of the Negotiable Instruments Act, however, her Power Agent, forging the signature of the complainant in the Power of Attorney document, preferred the petition. Therefore, the petitioner sought for comparison of the signature of the complainant with that of the Power of Attorney deed by an expert. The Court below, without considering the same has dismissed the application and therefore the present Civil Revision Petition is filed.

3. Heard the learned counsel for the petitioner and perused the order passed by the Courts below.

4. On a bare perusal of the order passed by the Court below, it is seen that the Court below has categorically stated that not only the Power Agent but also the executant of the Power Deed, viz., the complainant appeared before the Court and admitted that she is the author of the Power Deed and she only signed the same. In such circumstances, the Court below rejected the plea of the petitioner to send the signature of the complainant and the Power Deed for comparison by the expert.

5. In view of the said factual finding arrived at by the Court, I do not find any reason to interfere with the same and only to drag on the proceedings, the petitioner has filed the present revision. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Metropolitan Magistrate
Fast Track Court No.IV
George Town, Chennai.
2. The Public Prosecutor,
Madras.

सत्यमेव जयते

Cr1.R.C. No.546 of 2015

VSN (CO)
PSI (23.06.2015)

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