

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2015

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.Nos.969 and 970 of 2015

&

M.P.Nos.1 and 1 of 2015

Andivel

... Petitioner

in both the petitions

vs.

State Rep. By
The Inspector of Police
Economic Offences Wing II
Coimbatore
(Crime No.59 of 2013)

.. Respondent

Crl.R.C.No.969 of 2015: Criminal Revision filed under section 397 and 401 Cr.P.C.to set aside the order dated 05.08.2015 passed in Crl.M.P.No.1284 of 2015 in C.C.No.16 of 2014 on the file of the Special Judge, Special Court under TNPID Act Cases, Coimbatore.

Crl.R.C.No.970 of 2015: Criminal Revision filed under section 397 and 401 Cr.P.C.to set aside the order dated 05.08.2015 passed in Crl.M.P.No.1283 of 2015 in C.C.No.15 of 2014 on the file of the Special Judge, Special Court under TNPID Act Cases, Coimbatore.

For Petitioner: Mr.Sarath Chandran
for Mr.V.Raghavachari

For Respondents: Mr.V.Arul
Govt. Advocate (Crl.side)
COMMON ORDER

These revisions arise against orders passed by the learned Special Judge, Special Court for the TNPID Act Cases, Coimbatore in Crl.M.P.Nos.1284 and 1283 of 2015 in C.C.Nos.16 and 15 of 2014 on 05.08.2015, whereby the petitioner, who is accused No.4 in the case, sought comparison of his signatures. The case is pending trial for offences under Sections 120-B, 506(ii), 420, 419, 467, 468, 471, 463 IPC and Section 5 of Tamil Nadu

Protection of Interests of Depositors (in Financial Establishments) Act, 1997.

2. Heard learned counsel for petitioner and learned Government Advocate (Crl.side)

3. The Court below has disallowed such petition inter alia informing that no admitted signatures of the petitioner were available for comparison with the disputed signatures.

4. It was submitted that some of very prosecution documents filed along with the charge sheet bear the signature of the petitioner. Hence, the petitioner was required to file an affidavit informing which of the signatures found in the materials submitted along with the charge sheet are admitted by him and which are not. Petitioner has now done so.

5. On a reading of the order under challenge, this Court finds that the Court below besides erroneously informing that no admitted signatures were available, has gone on to inform that the petitioner is in the habit of adopting different signatures. In fairness to the petitioner/accused, the exercise should be towards determining whether the signatures disputed by him, indeed are his signatures, as doing so would have a major effect on his defence. This Court notes that the Court below also informed that there is no similarity in the signatures of the petitioner in his petition to surrender and the endorsement made in the surrender petition and the admitted signatures in the documents which petitioner has been a witness to. On the one hand, it is informed that there are no admitted signatures available for comparison and on the other, that the available admitted signatures are at variance.

6. In the said circumstances, this Court directs the Court below to send the following disputed and admitted signatures for comparison as also the signature / endorsement in the surrender petition referred to in the order of the Court below for the opinion of a Handwriting expert.

S.I	Disputed Signatures in C.C.No.15 of 2015	Disputed Signatures in C.C.No.16 of 2015	Admitted Signatures in C.C.No.15 of 2015
1	Receipt and Agreement executed in favour of P.Aalappan dated 24.05.2012	Receipt and Agreement executed in favour of one Anandan dated 24.04.2012	Document in the name of T.Ganesan

S.I	Disputed Signatures in C.C.No.15 of 2015	Disputed Signatures in C.C.No.16 of 2015	Admitted Signatures in C.C.No.15 of 2015
2	Receipt executed in favour of Oomaisamy dated 21.06.2012	Receipt and agreement executed in favour of one R.Manimegalai dated 14.07.2012	Agreements in the name of M.Kavitha
3	Receipt and Agreement executed in favour of one M.Kapathulla dated 12.05.2012	Agreement executed in favour of one T.Pandi dated 10.06.2012	Agreement in the name of S.Alagammal
4	Receipt and Agreement executed in favour of one Shahul Hameed dated 18.05.2012	Agreement executed in favour of one B.Maththiyammal dated 13.07.2012	
5	Agreement executed in favour of one R.Sutha dated 17.06.2012		

The Court below shall direct the expert to give his report not later than one month.

These criminal revisions are disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

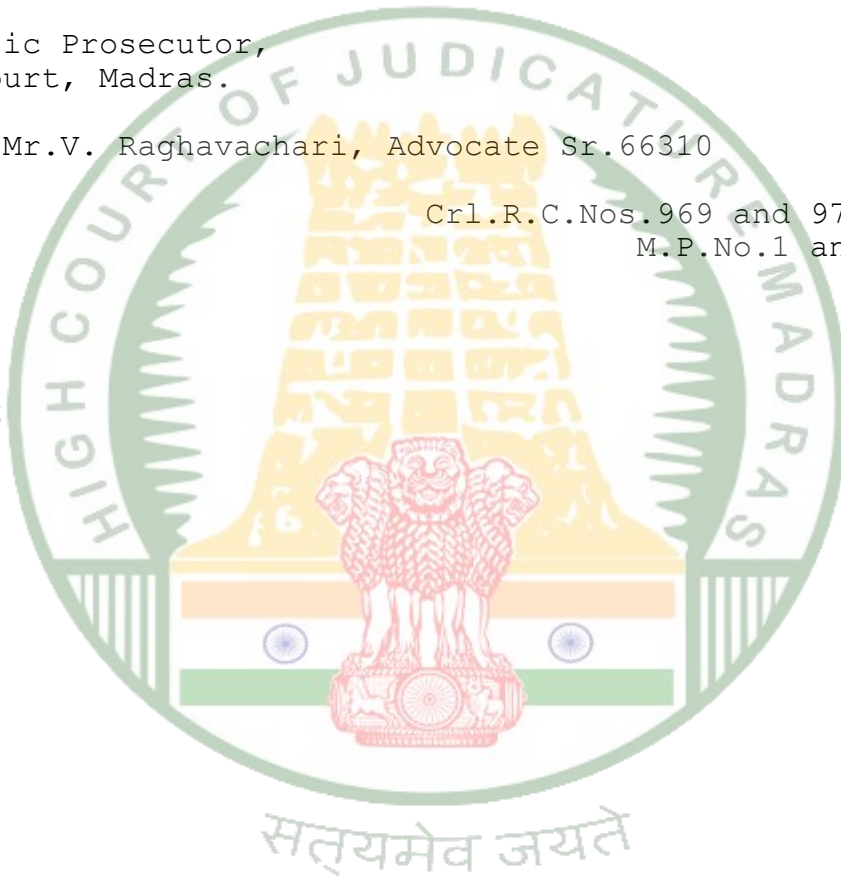
gpa

To

1. The Special Judge
Special Court under TNPID Act Cases,
Coimbatore
 2. The Inspector of Police
Economic Offences Wing II
Coimbatore
 3. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.V. Raghavachari, Advocate Sr.66310

Crl.R.C.Nos.969 and 970 of 2015 &
M.P.No.1 and 1 of 2015

GJ(CO)
EU 28.1.16



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