

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

Criminal Revision Case No.366 of 2010

Abishegamary

.. Petitioner

Versus

1. Rani
2. D.Vedhachalam
3. G.Ranjan @ Niranjan

... Respondents

Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to set aside the order of the learned Judicial Magistrate No.II, Chengalpattu, in C.M.P.No.1521 of 2009 dated 03.12.2009.

For Petitioner : Mr. P.Narayanamoorthi

ORDER

The petitioner has filed this Criminal Revision Case as against the dismissal order dated 03.12.2009 passed by the learned Judicial Magistrate No.II, Chengalpattu in C.M.P.No.1521 of 2009.

2. According to the complainant, her property has been sold away by forging her Thumb impression in the sale deed and the matter was investigated by the District Crime Branch, Kancheepuram. During investigation, the investigating Officer sent the thumb impression of the complainant taken by them and the sale deed which contains thumb impression of the complainant to the finger print bureau. On obtaining report from the finger print bureau, the investigation officer has filed the final report under Section 173(2) Cr.P.C. with a finding as mistake of fact. Dissatisfying with the finding of the investigating agency, the petitioner herein filed a protest petition and the same was dismissed by the Judicial Magistrate No.II, Chengalpattu. Against which the present revision has been filed.

3. The learned counsel for the petitioner submitted that the Court below has not taken into consideration the alleged discrepancy in the report filed by the Investigating Agency. The learned counsel further submitted that both the thump impression are not similar in nature and the report does not contain that both the impression are identical. Therefore, the learned counsel submitted that the order passed by the Court below is not correct.

4. Though notice was ordered as early as on 16.4.2010, the same was not served on the respondents.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. On a careful perusal of the entire records as well as the order of the Court below, it is seen that the samples were duly sent to the Laboratory through Official Memorandum Dis.No.1284/09 dated 17.7.2009. The Central Forensic Laboratory, New Delhi, after due examination of the thumb impression, has sent a report dated 05.10.2009 along with result of the comparison to the Lower Court. In the report, it has been clearly stated that the thumb impression obtained from the defacto complainant in Court is identical with that of the thumb impression found in original sale deed dated 05.8.1986 and 18.8.1985. In fact, the Court below has pointed out that the report of the Central Forensic Science Laboratory is entirely in conformity with the result of the investigation conducted by the District Crime Branch, Kancheepuram. Therefore, it is clear that the Court below has taken into consideration the report of the Central Forensic Laboratory, New Delhi, which is recognised by the CBI and rightly dismissed the protest petition filed by the complainant. Hence, I do not find any reasons to interfere with the order of the Court below.

The Criminal Revision case is dismissed.

Ga

Sd/-

Assistant Registrar (Cs-VII)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II,
Chengalpattu.

2. The Chief Judicial Magistrate,
Chengalpattu

+1 C.C. To MR.P.Narayanamoorthy, Advocate in SR.NO.56936

Cr1.RC No.366 of 2010

VD(CO)

sd : 17/11/2015

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