

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.8.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 585 of 2013
and
MP.Nos. 1 and 2 of 2014

K.Tamilselvi

... Petitioner(Accused)

Versus

T.Karthikeyan

... Respondent (Complainant)

Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to call for the records and set aside the order dated 11.5.2012 passed by the Judicial Magistrate No.1, Pollachi in C.M.P.No.541 of 2011 in S.T.C.No.3517 of 2010.

For Petitioner : Mr. T.P.Sekar

For Respondent : Mr. R.Nalliyappan

ORDER

The petitioner stood charged for the offences punishable under Section 138 of the Negotiable Instrument Act and tried before the learned Judicial Magistrate No.I, Pollachi. Pending trial, the petitioner filed petition under Section 45 of the Indian Evidence Act to exam handwriting expert to identify of signature of petitioner found in relevant cheque in CMP.No.541 of 2011 in S.T.C.No.3517 of 2010 and the same was dismissed. Aggrieved over the said judgment, the petitioner is before this Court.

2. The only ground raised by the petitioner in this revision is that the Court below has dismissed the petition in one line without assigning any reasons.

3. Today, when the matter is taken up, the learned counsel for the respondent brought to the notice of this Court that detailed order has been passed by the Court below. The learned counsel also produced the certified copy of the order dated 11.5.2012 passed by the Court below.

4. On a careful perusal of the said order dated 11.5.2012, it is seen that the learned Magistrate has given specific reason for dismissing the petition. The Court below, especially taking into consideration the admission of the petitioner in the reply notice that the signature found in the cheque was her signature, has dismissed the petition. It is useful to extract the said portion of the order of the Court below, which reads as follows:-

"If we consider the above stated reply notice sent by the petitioner, it is clear that she herself admitted that the signature found in the cheque No.195544 was her signature. When the petitioner herself admitted her signature in the disputed cheque in the reply notice, he is estopped from questioning the genuineness of the same. Subsequently, considering the conduct of the petitioner this Court is of the view that the petitioner filed this petition to procrastinate the proceedings without any progress. In this background this Court is of the view that by sending the cheque No.195544 for handwriting expert no purpose will be solved. Thus, this Court further holds that the petitioner is not entitled for the relief claimed in this petition. "

5. In view of the same, I do not find any reason to interfere with the reasoned order of the Court below. The Criminal Revision case is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ga

To

1.The Judicial Magistrate No.I,
Pollachi

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.45235
+1cc to Mr.T.P.Sekar, Advocate, S.R.No.45513

Cr1 RC No. 585 of 2013

PPA(CO)
CA(30/09/2015)