



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C.(MD)NO.163 of 2015

and M.P.No.1 of 2015

WEB COPY

M.Ananthasekar

.. Revision Petitioner/Sole Accused

Vs.

S.Saravanan

.. Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., against the order dated 12.01.2015 in Cr.M.P.No.5033 of 2014 in S.T.C.No.36 of 2012 on the file of the Judicial Magistrate Court, No.II, (Fast Track Court), Madurai.

For Petitioner :: Mr.T.Lajapathi Roy
ORDER

The petitioner is the accused in STC No.36 of 2012 on the file of the learned Judicial Magistrate, No.II, Madurai. The respondent is the complainant in the case. This is a case on a private complaint alleging that the petitioner has committed the offence punishable under Section 138 of the Negotiable Instruments Act.

2. During the course of trial, the petitioner filed Cr.M.P.No.5033 of 2014 before the lower Court requesting the Court to forward the cheque in question for opinion from Government Scientific expert. The learned Judicial Magistrate, by order dated 12.01.2015, dismissed the said petition. Challenging the same, the petitioner is before this Court with this petition.

3. I have heard the learned counsel for the petitioner and also perused the records carefully.

4. The petition has come up today for admission.

5. A perusal of the record would go to show that the petitioner has tacitly admitted the signature in the cheque. His defence is that he issued a blank cheque signed by him but for some other purpose and that there is no legally enforceable liability. This is the reason precisely stated by the lower Court as well. But the learned counsel for the petitioner would state that the cheque was issued only for Rs.20,000/- but that has been altered to make it appear as though the same was issued for Rs.2 lakhs. A perusal of the petition filed before the lower Court would go to show that there is no request made to the lower Court to send the cheque in question for any expert opinion regarding the alleged alteration in numerals. In my considered view, the lower Court has rightly dismissed the petition. I do not find any merit in the petition.

6. In the result, the Criminal Revision case fails and the same is, accordingly, dismissed. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To

1.The Judicial Magistrate Court, No.II,
(Fast Track Court) at Magistrate level,
Madurai.

2.-Do-Thro The Chief Judicial Magistrate,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.LajapathiRoy, Advocate in SR.No. 17614

RR

Sm:21.04.2015:2P/5C

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