

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.Nos.20218 & 20219 of 2015

D.Gopalakrishnan

.. Petitioner in both O.Ps.

Vs.

R.J.Veeraraghavan

.. Respondent in both O.Ps.

Prayer in Crl.O.P.No.20218 of 2015: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned FTC III Metropolitan Magistrate, Saidapet to issue the certified copy of evidence of D.W.2 and D.W.3 in C.C.No.304 of 2008 in copy application (urgent) No.1858 of 2015 dated 05.05.2015.

Prayer in Crl.O.P.No.20219 of 2015: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned FTC III Metropolitan Magistrate, Saidapet to send the document (Ex.P-1) in C.C.No.304 of 2008 to Forensic Lab as per order in Crl.R.C.No.577 of 2014 and further direct the learned Magistrate to fix the time limit to get the report from Forensic Lab.

For Petitioner :Mr.J.Franklin

C O M M O N O R D E R

The petitioner has come forward with these applications for issuing suitable direction to the FTC III Metropolitan Magistrate, Saidapet to issue certified copy of evidence of D.W.2 and D.W.3 in C.C.No.304 of 2008 in Copy Application No.1858 of 2015 and also to send the document, Ex.P.1 in C.C.No.304 of 2008 to the Forensic Department as per the order in Crl.R.C.No.577 of 2014.

2. Notice has been served on the respondent, but no one represented on behalf of the respondent. Even today, no one appeared on behalf of the respondent.

3. Considering the submissions of the learned counsel for the petitioner and the typed set of papers, the petitioner has preferred a complaint under section 138 of Negotiable Instruments Act for dishonour of the cheque, i.e., C.C.304 of

2008. The ***Compromise Deed** has been marked as Ex.P.1. The respondent/accused raised a plea that it is a fabricated one. So an order has been passed for sending ***Ex.P.1** to the Forensic Department. As per the Order dated 17.11.2014 in CrI.R.C.No.577 of 2014, the trial Court is directed to forward the instrument for examination by the expert and the report has been called for, which shows that no one is ready to pay the amount to the Forensic Department for the expenses. Now the learned counsel for the petitioner has undertaken to pay Rs.1500/- chargeable for examination of the document. On his undertaking, I am of the view that, this is a fit case for giving a direction.

Hence, in Criminal Original Petition 20219 of 2015, the trial Court is directed to receive Rs.1500/- from the petitioner and forward the same to the Forensic Department and after obtaining the report, to dispose the matter on merits.

In Criminal Original Petition 20218 of 2018, the trial Court is directed to furnish the certified copy of D.W.2 and D.W.3 to the petitioner, since copy application has already been filed by him.

The Criminal Original Petitions are disposed of with the above directions.
vrc

s/d-
Assistant Registrar(CO)

***Corrected as per order dated
17/03/2016**

s/d-
**Assistant Registrar(CSII)
dt:17/03/2016**

True Copy

Sub-Assistant Registrar

To

1. The Fast Track Court III **(To be Substituted to the order Metropolitan, Magistrate, (already despatched on 29/02/2016) Saidapet, Chennai.**
2. Do thro' the Chief Metropolitan Magistrate, Chennai.

+ 1 ccs to Mr.J.Franklin, Advocate SR 17090
sk(co)
prk11/2
aa17/03/2016

CrI.O.P.Nos.20218 & 20219 of 2015