

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.1284 of 2012

V.S.Palanisamy

.. Petitioner

Vs.

Ponnusamy

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 30.08.2012 made in Crl.MP.No.348 of 2012 in CC.No.85 of 2009 passed by the Judicial Magistrate No.II, Erode.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.M.Guruprasad.

ORDER

The criminal revision is directed against the order passed by the learned Judicial Magistrate No.II, Erode made in Crl.MP.No.348 of 2012 in CC.No.85 of 2009 dated 30.08.2012, dismissing the application filed by the petitioner/accused for sending the document for comparison of the signature.

2.The learned counsel for the petitioner would mainly contend that the trial Court failed to consider the fact that the petitioner specifically stated that the respondent alone filled up the cheque amount, date, name and everything, the petitioner never filled up the cheque and never put up his signature. Since, the disputed cheque was fabricated by the respondent, the petitioner/accused seeks expert opinion for comparison of written letters, handwriting, signature etc., which is very much essential to prove the case. But the trial Court dismissed the application, hence, the learned counsel prays to set aside the order of the trial Court and seeks to allow the criminal revision.

3.The learned counsel for the respondent mainly contended that the trial Court after analysing the facts and circumstances of the case, correctly comes to the conclusion and there is no illegality or infirmity in the order passed by the trial Court and prays to dismiss the revision filed by the petitioner.

4.Heard the rival submissions made on both sides and perused the records.

5.On reading of the order of the trial Court which clearly shows that the petitioner chief examination was closed on 11.06.2009. Subsequently, the petitioner was cross examined on 19.05.2010 and after the cross examination alone, the present application is filed. During the pendency of the trial, the accused did not appeared before the Court below, the Court below issued NBW and the same was also recalled, thereafter the petitioner filed the present application. The petitioner has not specifically contended that the cheque was not signed by the revision petitioner, but he disputed only some writing and signature in the disputed cheque. The petitioner has not produced any admitted signature or admitted handwriting/signature to compare with disputed signature or writing etc., Considering the above said circumstances and stage of the trial, the trial Court correctly dismissed the application filed by the petitioner. This Court finds there is no illegality or infirmity in the order passed by the trial Court and the same does not warrant any interference by this Court.

6.In the result, the criminal revision petition stands dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.II, Erode.
- 2.-do- Through The Chief Judicial Magistrate, Erode.
- 3.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.M. Guruprasad, Advocate SR.49613

RSY(CO)
Eu 22.09.16

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