

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1175 of 2016

and

Crl.M.P.No.10457 of 2016

S.Anand
S/o.Sivasubramaniam .. Petitioner

Vs.

M/s.C.S.Traders,
represented by its
POA Holder and its Manager
S.Senthilkumar
S/o.Subramaniam, Tiruppur .. Respondent

Criminal Revision filed under Sections 397 (1) and 401
Cr.P.C. against the order of learned Judicial Magistrate II,
Tiruppur, passed in C.M.P.No.4062 of 2016 in S.T.C.No.3896 of
2006 on 16.08.2016.

For Petitioner : Mr.L.Mouli
For Respondent : No appearance

O R D E R

This revision arises against the order of learned Judicial
Magistrate II, Tiruppur, passed in C.M.P.No.4062 of 2016 in
S.T.C.No.3896 of 2006 on 16.08.2016.

2. Respondent/complainant moved a prosecution informing
that petitioner/accused borrowed a sum of Rs.5,00,000/- from him
and towards repayment thereof, cheques bearing Nos.787816 to
787822 dated 30.11.2003, 30.12.2003, 30.01.2004, 27.02.2004,
30.03.2004, 30.04.2004 and 30.05.2004 drawn on Punjab National
Bank, Erode, stood issued to him, which upon presentation was
returned unpaid for the reason "insufficient funds".
Respondent/ complainant caused statutory notice and following

the procedure envisaged under Section 138 of the Negotiable Instruments Act, a complaint had been filed. Petitioner faces prosecution for offence u/s.138 of the Negotiable Instruments Act in S.T.C.No.3896 of 2006 on the file of learned Judicial Magistrate II, Tiruppur. Pending such case, petitioner/accused moved C.M.P.No.4062 of 2016 seeking examination of cheques in question by an expert, which came to be dismissed under the impugned order. Hence, this revision.

3. Heard learned counsel for petitioner. There is no representation for respondent.

4. In dismissing an application seeking examination of cheques in question by an expert, Court below has taken into consideration the fact that the petitioner/accused had chosen to file the application at the fag end of the proceedings and when the case stood posted for arguments. Even though the Bank Manager of the Bank concerned had been examined, no question of the signature on cheques not being that of the petitioner had been raised. The case was more than 10 years old. In the circumstances, this Court finds no reason to interfere with the order under challenge.

The Criminal Revision Petition shall stand dismissed. Connected miscellaneous petition is closed. However, considering the fact that the case was of the year 2006, this Court directs learned Judicial Magistrate II, Tiruppur, to dispose of S.T.C.No.3896 of 2006 as expeditiously as possible, in any event, within a period of three months from the date of receipt of this order.

Sd/-

Assistant Registrar

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

gm

To

1 The Judicial Magistrate II,
Tiruppur.

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2 -do- Thro The Chief Judicial Magistrate,
Tiruppur

+1cc to Mr.L. Mouli, Advocate, S.R.No.63785

vd(CO)
md(8/11/2016)

Cr1.R.C.No.1175 of 2016



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