

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

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

Crl.R.C.No.1176 of 2016
and

Crl.M.P.No.10469 of 2016

Chandrakumar
S/o.Kuber Singh ... Petitioner

vs.

D.Jansi Rani
D/o.Dhasarathi ... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Hosur, passed in C.M.P.No.634 of 2016 in S.T.C.No.107 of 2012 on 10.05.2016.

For Petitioner : Mr.K.Nagarajan

For Respondent : Mr.Syed Mansoor

O R D E R

This revision arises against the order of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Hosur, passed in C.M.P.No.634 of 2016 in S.T.C.No.107 of 2012 on 10.05.2016.

2. Heard learned counsel for petitioner and learned counsel for respondent.

3. Petitioner faces prosecution for offence u/s.138 of the Negotiable Instruments Act in S.T.C.No.107 of 2012 on the file of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Hosur. After closure of prosecution evidence and questioning u/s.313 Cr.P.C., petitioner has moved C.M.P.No.634 of 2016 informing that the cheques issued in blank by petitioner and handed over to the father of respondent/complainant, with whom the petitioner had financial dealings, had been misused towards foisting a case. Petitioner has sought examination of the instrument by an expert, particularly, to determine the age of the ink. It is the petitioner's case that the cheque was

handed over to the father in the year 2007. Court below rightly has observed that the petitioner should establish his case and has been of the view that the petition merely was meant to protract proceedings. Towards proving his case, petitioner could well examine the bank officials towards bringing on record the period during which cheques bearing numbers subsequent to the cheque in question had been issued by him. This would establish a preponderance of probability.

The Criminal Revision is dismissed with the above observation. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate,
Fast Track Court,
Magisterial Level,
Hosur.

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

+1cc to Mr.K.Nagarajan, Advocate sr.61999
+2cc to Mr.Syed Mansoor, Advocate sr.61992

सत्यमेव जयते

Cr1.R.C.No.1176 of 2016

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srg 08/12/2016

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