

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
Crl.R.C.No.1203 of 2016
&
Crl.M.P.No.10791 of 2016

Sridevi .. Petitioner/Petitioner/Accused

vs.

Dhanam .. Respondent/Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order passed by the Judicial Magistrate, (Fast Track Court), Dharmapuri, in C.M.P.No.1351/2016 in S.T.C.No.21/2014 on 17.08.2016.

For Petitioner : Mr.V.Krishnan

For Respondent : No Appearance

O R D E R

This revision is preferred against the order passed by the learned Judicial Magistrate, (Fast Track Court), Dharmapuri, in C.M.P.No.1351/2016 in S.T.C.No.21/2014 on 17.08.2016.

2. Petitioner is facing trial for offence u/s. 138 of the Negotiable Instruments Act in case tried in S.T.C.No.21 of 2014 on the file of Judicial Magistrate, (Fast Track Court), Dharmapuri.

3. Petitioner has moved C.M.P.No.1351 of 2016 on the file of learned Judicial Magistrate, (Fast Track Court), Dharmapuri seeking the examination of hand writing on the cheque by an expert. Against dismissal of such petition the petitioner has moved the present revision.

4. Heard learned counsel for petitioner. Though the respondent stands served, there is no appearance on her behalf.

5. It is the petitioner's case that cheque in blank signed by her had been misused by P.W.1 who was working in petitioner's office towards foisting a false case. P.W.1 in her cross examination has admitted to being the employee of the

petitioner. She however, has denied that the writings on the cheque are not that of the petitioner. Petitioner has moved the petition seeking the opinion of an hand writing expert after her questioning u/s. 313 Cr.P.C and before her evidence.

6. In the factual scenario attending this case, it would only be proper to afford the petitioner an opportunity to prove that excepting the signature the writings on the cheque are not her's as her establishing such fact would go a long way in deciding the case on merits, given the admitted position that the respondent/complainant was an employee under the petitioner.

For the aforesaid reasons, this revision shall stand allowed. The order passed in C.M.P.No.1351 of 2016 on the file of learned Judicial Magistrate, (Fast Track Court), Dharmapuri, shall stand set aside. Court below shall now require the petitioner to produce admitted writings contemporary to the cheque period and forward the same as also the cheque in question for opinion of the hand writing expert towards his tendering opinion on whether the writings on the cheque are in the hand writing of the petitioner are not. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
(Fast Track Court), Dharmapuri.

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

+1cc to Mr.V.Krishnan, Advocate Sr.68867

Cr1.R.C.No.1203 of 2016

pvs[co]
srg 07/12/2016