

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.237 of 2016
and Crl.MP.No.1612 of 2016

Rajan Puri

.. Petitioner

Vs.

Ravindrakumar Agarwal

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 12.01.2016 passed by the learned Fast Track Judicial Magistrate No.II, Erode in CMP.No.8470 of 2015 in STC.No.210 of 2012.

For Petitioner : Mr.T.Gowthaman

For Respondent : Notice served, No appearance

ORDER

This Criminal Revision is directed against the order passed by the learned Fast Track Judicial Magistrate No.II, Erode in CMP.No.8470 of 2015 in STC.No.210 of 2012, dated 12.01.2016, dismissing the application filed by the petitioner under Section 45 of the Indian Evidence Act.

2.The learned counsel for the petitioner mainly contended that the trial Court failed to consider the contradiction in the evidence of respondent/complainant, during the course of cross examination. The accused/revision petitioner filed the petition only to prove his case, but the trial Court without appreciating the facts and circumstances erroneously dismissed the petition filed by the accused. Hence, the present revision is before this Court by the accused, praying to set aside the order of the trial Court.

3.Heard the learned counsel for the petitioner and perused the records. Notice was duly served on the respondent, there is no representation on behalf of the respondent either in person

or through the learned counsel on record, hence, the name of the respondent is printed in the cause list.

4.This petition is filed under Section 45 of the Indian Evidence Act, which is admitted on the side of the petitioner, this case was listed for arguments of both sides along with the STC.No.213 of 2012. It is also admitted that the complainant has also filed cheque case against the accused brother/Raman Puri before the Judicial Magistrate, Fast Track Court No.I, Erode and the case is pending in STC.Nos.79 and 80 of 2013. After examination of both sides under Section 313(1)(a) Cr.PC questioning by the Court to the present accused, the accused specifically stated that it is false case foisted against him and he has not spoken anything about the person who filled up the cheque and to whom the cheque was handed over by him. It is admitted that the blank cheque was given to the present complainant and it was not filled up by the revision petitioner/accused. The learned counsel for the petitioner mainly contended that petitioner wanted to compare the handwritings and signature available in the cheque and age of the ink. The trial Court has rightly observed that there is no mechanism or valid method is available in India to find out the age of the Ink. The petitioner has not produced any documents along with the petition to compare with the signature found in the cheque, the failure to do so on the part of the petitioner/accused shows that the petition is filed at this stage only to drag on the proceedings, that too after questioning of the defence witnesses/DW1.

5.The trial Court after considering the entire facts and circumstances and after analysing the materials available on record, correctly came to a conclusion and dismissed the claim of the petitioner. This Court finds no illegality or infirmity in the order passed by the learned Judicial Magistrate, Fast Track Court No.II, Tiruppur and the same does not warrant any interference by this Court.

6.In the result, the criminal revision petition stands dismissed. Consequently, connected miscellaneous petition is closed. The trial Court is directed to dispose of the main case preferably within a period of three months from the date of receipt of copy of this Order.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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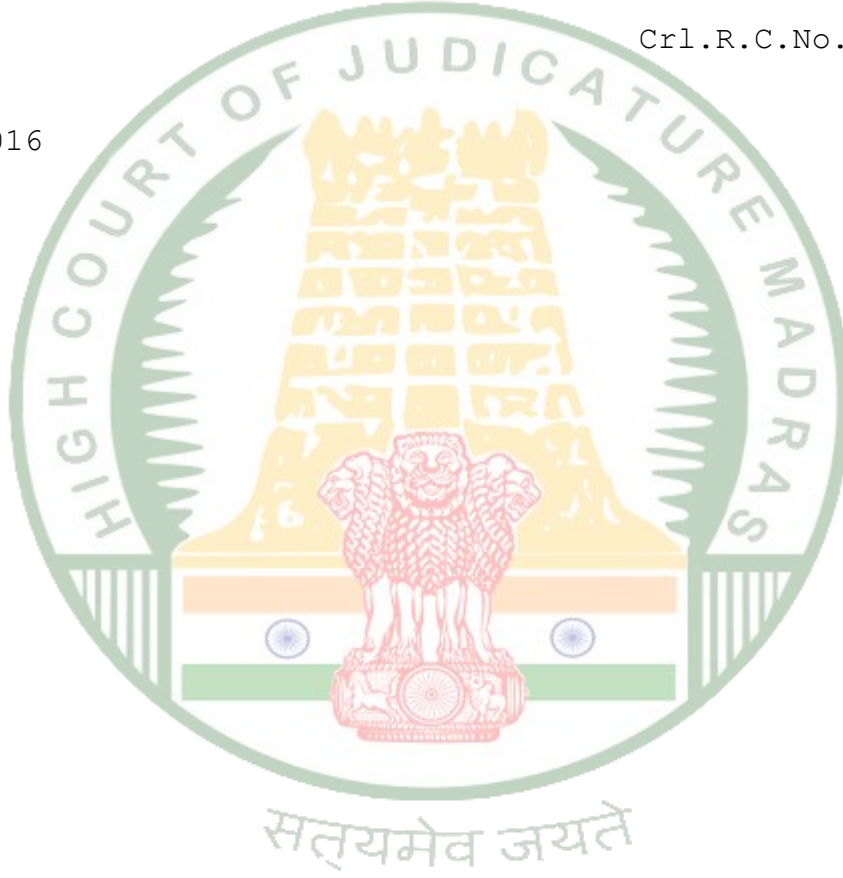
To

1.The Fast Track Judicial Magistrate No.II, Erode.

2.The Section Officer,
Criminal Section High Court,
Madras-104

Cr1.R.C.No.237 of 2016

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