

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.26 of 2016

&

Crl.M.P.No.164 and 165 of 2016

Mohammed Hanif

.. Petitioner/Accused

vs.

Sankarraaj

.. Respondent/Complainant

Criminal Revision filed under section 397 and 401 Cr.P.C. against the order dated 14.10.2015 made in Crl.M.P.No.1982 of 2015 in C.C.No.3168 of 2011 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai.

For Petitioner : Mr.B.Kumarasamy

O R D E R

This revision challenges the order passed by the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai dated 14.10.2015 in Crl.M.P.No.1982 of 2015 in C.C.No.3168 of 2011.

2. The revision petitioner is accused of offence under Section 138 of the Negotiable Instruments Act in case pending trial in C.C.No.3168 of 2011 on the file of Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai. The petitioner moved a petition seeking comparison of the signature found on Ex.P3, a memorandum of understanding with his admitted signatures towards establishing that the signature on Ex.P1 was not his. Such petition stands dismissed by the Court below. Thereagainst, this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the petition, the Court below has taken note of the position that the petitioners signature on the cheque Ex.P1 stands admitted, that in his questioning under Section 313

Cr.P.C, the petitioner had not raised the contention of the signature on Ex.P1 not being his, that the petitioner had raised the issue at the fag end of the proceedings, the case having been posted on 06.06.2015 for the purpose of submitting written arguments and further observed that as the petitioner has admitted his signature, it could always be open to the Court to compare the signature with the admitted signature in keeping with Section 73 of the Indian Evidence Act. Though the petitioner relied on judgments of this Court in 2008 (2) CTC 580 (M.Govindaraj Vs. Dr.V.Nallasivan) and 2008 (3) CTC 31 (Chandran Udayar Vs. Kasivel), they are not applicable to the facts of the case.

5. Finding no reason to interfere with the order under challenge, this revision is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Metropolitan Magistrate
Fast Track Court No.II
Egmore, Chennai.
Now, at Allikulam Commercial Complex,
Chennai-3.

2.The Public Prosecutor सत्यमेव जयते
High Court, Madras.

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sv(CO)
srg(11/02/2016)