



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD).No.9958 of 2016

G.Selvam (Power of Attorney)
Through Power Agent
R.Kannan, S/o.Rajendran,
1B/12, Rajiv Gandhi Nagar,
Thirupparankundram,
Madurai-17

... Petitioner/Respondent/Complainant

-vs-

R.Gopalakrishnan

... Respondent/Petitioner/Accused

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order passed in Crl.M.P.No.4307 of 2016 in S.T.C.No. 622 of 2014 on the file of learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai dated 31.05.2016.

For Petitioner : Mr.C.Vakeeswaran

For Respondent : Mr.N.Ananthapadmanaban

O R D E R

The accused / respondent herein filed a petition under Section 45 of the Indian Evidence Act in Crl.M.P.No.4307 of 2016 in S.T.C.No. 622 of 2014 on the file of learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, seeking for sending the signature in the admitted documents by the complainant and the writing in the disputed document, namely cheque for comparison and expert opinion. The said petition was partly allowed, thereby permitting the handwriting of the accused alone to be sent along with the cheque for the purpose of comparison.

2. This order is questioned by the complainant / petitioner herein on the ground that if the handwriting of the accused alone is ordered to be sent for expert opinion, no useful purpose would be served and therefore, the order needs modification to the effect that the handwriting of the complainant must also be sent along with the cheque and the handwriting of the accused for the purpose of comprehensive comparison.



3. There is a merit in the contention raised by the petitioner for the reason that when the accused claims that the handwriting in the cheque is not of him, then there is a possibility of either complainant filling up the cheque or somebody else at his instructions. Therefore, it is better that the handwriting is compared with the handwriting of the complainant also. Though the petitioner/complainant has sought setting aside of the order dated 31.05.2016 passed in CrI.M.P.No.4307 of 2016 in S.T.C.No. 622 of 2014 on the file of learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, this Court modifies the order of the Court below to the extent that the admitted handwriting of the complainant shall be sent along with the cheque and handwriting of the accused for the purpose of comprehensive comparison.

With the above modification, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To:

The Judicial Magistrate No.I,
Fast Track Court (Magisterial Level),
Madurai

+1CC to M/S.C.Vakeeswaran, Advocate, SR.No. 32659

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