



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD) No.220 of 2016

Manoharan

...Revision Petitioner/Accused

-vs-

Gnanabaskaran

... Respondent/Petitioner

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., praying to set aside the order of learned Judicial Magistrate, Aranthangi rendered in C.M.P.No.3211 of 2015 in C.C.No.89 of 2013 dated 16.07.2015.

For Petitioner: Mr.N.Balakrishnan

For Respondent: Mr.T.Lenin kumar

O R D E R

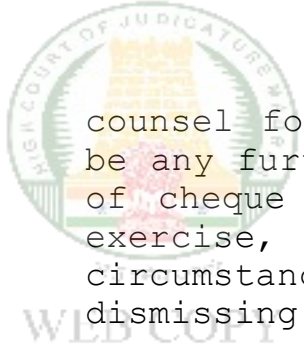
The accused in a cheque bouncing case in C.C.No.89 of 2013 on the file of the learned Judicial Magistrate, Aranthangi, aggrieved by the dismissal of his C.M.P.No.3211 of 2015 filed under 291 Cr.P.C. for sending the subject cheque to handwriting expert for comparison and report, has directed this revision.

2.It is the contention of the learned counsel for the revision petitioner that the petitioner has only given blank cheque. Thus, the genuineness of the cheque is in dispute. In the circumstances, to render a correct finding the scientific evidence of handwriting expert report is necessary.

3.On the other hand, the learned counsel for the respondent submitted that it is not necessary because even while cross-examining P.W.1, the accused has put questions admitting his signature in the cheque. It is an attempt to drag on the cheque bouncing case.

4.I have anxiously considered the rival submissions, perused the impugned order and also the relevant materials on record.

5.A perusal of the evidence of P.W.1 and his cross-examination by defence supports the present arguments placed by the learned



counsel for the respondent before us. That apart, there need not be any further proof with regard to admitted aspects when issuance of cheque and signature has been admitted. It will be a futile exercise, ultimately delaying the trial process. In the circumstances, learned Judicial Magistrate, Aranthangi is right in dismissing the petition.

6. In view of the foregoing, this Revision fails and it is dismissed.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Aranthangi.

+1cc to Mr. T. Lenin Kumar, Advocate in SR.No.32540

SDR/KBM/30.06.2016/2P/3C

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