



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2016

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THE HONOURABLE MR.JUSTICE B.GOKULDAS

CRL.R.C.(MD)No.96 of 2016 and
CRL.M.P.(MD)No.1613 of 2016

K.Dhandapani

.. Petitioner/Petitioner/Accused

Vs.

Murugesan

.. Respondent/Respondent/Complainant

Prayer: Petition is filed under Section 397 and 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.11204 of 2015 in S.T.C.No.712 of 2013, dated 19.01.2016 on the file of the learned Judicial Magistrate, Oddanchatram and to set aside the same.

For Petitioner : Mr.S.C.Herold Singh

ORDER

This petition has been filed to call for the records pertaining to the order passed in Cr.M.P.No.11204 of 2015 in S.T.C.No.712 of 2013, dated 19.01.2016 on the file of the learned Judicial Magistrate, Oddanchatram and to set aside the same.

2. The learned counsel for the petitioner is present and heard.

3. The name of the respondent is printed in the cause list. But none represented for him and set ex-parte.

4. The case of the prosecution is that the petitioner was working in a Nationalized Bank at Dindigul and the petitioner borrowed a sum of Rs.3,00,000/- from the respondent on 19.06.2013. Thereafter, the petitioner issued a cheque bearing No.225281 for the said amount to the respondent on 19.07.2013. The respondent presented the cheque for realization on 23.07.2013 and the same was returned unpaid with an endorsement "Funds Insufficient". Hence, the respondent filed a petition in S.T.C.No.712 of 2013 before the Judicial Magistrate Court, Ottanchathram. At the stage of the trial, the petitioner filed Crl.M.P.No.11204 of 2015 for setting aside the order of the court to expert opinion and the same was dismissed. Against that order, the petitioner filed the present Revision.



5. The learned counsel for the petitioner would submit that the petitioner has denied the execution of the cheque as well as the signature available in the cheque, as the petitioner has not signed in the cheque at any point of time. The comparison of the signature in the cheque with the contemporary signature would throw a light in a decision of the case.

6. Considering the above facts and circumstances of the case, the Judicial Magistrate, Ottanchathiram is directed to send the documents for expert opinion within a period of one month from the date of receipt of a copy of this order.

7. Accordingly, the Criminal Revision petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate, Oddanchatram.

+2cc to M/s.S.C.Herold Singh, Advocate SR.No.55913

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