

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T.SELVAM

CrI.R.C.No.173 of 2017
and
CrI.M.P.No.1968 of 2017

S.Srinivasan
S/o.Subramani

... Petitioner/Accused

Vs.

A.Palani
S/o.M.Arumugam

... Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. against the order of learned Judicial Magisterial, Fast Track Court, Magistrate Level, Ambattur, passed in C.M.P.No.116 of 2017 in S.T.C.No.195 of 2015 on 12.01.2017.

For Petitioner : Mr.S.Suresh

O R D E R

This revision arises against the order of learned Judicial Magistrate, Fast Trak Court, Magistrate Level, Ambattur, passed in C.M.P.No.116 of 2017 in S.T.C.No.195 of 2015 on 12.01.2017.

2. Petitioner faces trial for offence u/s.138 of the Negotiable Instruments Act in S.T.C.No.195 of 2015 on the file of learned Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur. Respondent is the complainant. Petitioner moved C.M.P.No.116 of 2017 seeking expert opinion on the signature upon the cheque. Court below, under the impugned order, dismissed such petition. There against, the present revision has been filed.

3. Learned counsel for petitioner submits that as against the case of the complainant, petitioner examined DW-2, his driver, towards establishing that there were transactions between the complainant and him.

4. In response to query of this Court, learned counsel for petitioner admits that DW-2, presently is not in the service of the complainant. This Court also notes that in dismissing the petition, Court below has found that the accused has not denied issuance of Ex.P1, cheque, either in the first questioning or in the reply notice. Holding that the petition was meant only to protract proceedings, Court below has dismissed the petition. This Court finds no error in the order under challenge.

The Criminal Revision Case shall stand dismissed. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

The Judicial Magistrate,
Fast Track Court,
Magisterial Level,
Ambattur.

+lcc to Mr.S.Suresh, Advocate, S.R.No.8531

Cr1.R.C.No.173 of 2017

SVI(CO)
CA(23/02/2017)

सत्यमेव जयते

WEB COPY