

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

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

Cr1.R.C.No.230 of 2017

andCr1.M.P.No.2256 of 2017

C.Govintharajalu

.. Petitioner

Vs.

R.Babu

.. Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. praying to set aside the order of learned Judicial Magistrate, Fast Track Court No.I, Erode, passed in C.M.P.No.5476 of 2016 in S.T.C.No.174 of 2016 on 05.01.2017.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.S.Jayakumar

O R D E R

This revision challenges the order of learned Judicial Magistrate, Fast Track Court No.I, Erode passed in CM.P.No.5476 of 2016 in S.T.C.No.174 of 2016 on 05.01.2017.

2. Respondent/complainant has moved CMP.No.5476 of 2016 of 2016 on the file of learned Principal Judge, City Civil Court, Chennai seeking comparison of signature in the disputed cheque and CM.P.No.5477 of 2016 seeking forwarding of the same for expert opinion.

3. In dismissing the application seeking examination of cheques in question by an expert, Court below found that the petitioner had not disputed his signature on the cheque during the questioning under Section 251 Cr.P.C. or 313 Cr.P.C. Though cross examination of respondent had not been effected, Court below has erroneously observed that even at such stage,

petitioner has not raised questions regards genuineness of his signature. Aggrieved by the said order, the present revision has been filed.

4. Heard learned counsel for petitioner and learned counsel for respondent.

5. Considering the fact that the case is of the year 2016, petitioner sought examination by an expert even before cross examination of complainant/respondent and the present revision has been filed challenging the order passed in Crl.M.P.Nos.5476 of 2016 & 5477 of 2016, this Court sets aside the order challenge. Accordingly, this Court orders as follows:

i) this revision shall stand allowed, subject to the condition that the petitioner shall pay Rs.5,000/- to the respondent within a period of two weeks from today, by way of deposit to the credit of STC.No.174 of 2016 on the file of learned Judicial Magistrate, Fast Track Court No.I, Erode. The said sum shall be withdrawn by the respondent on due application.

ii) petitioner may move application for summoning contemporaneous documents such as cheques drawn by him on account held by him.

iii) On production of such documents, Court below shall cause comparison of signature thereon with signature on the cheque, dishonour of which has given rise to the complaint, by an handwriting expert.

iv) the Court below is directed to obtain the expert opinion at an early date and endeavour to dispose of the case, within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

The Judicial Magistrate,
Fast Track Court No.I, Erode.

+1cc to M/S. M. Guruprasad, Advocate SR. 12791

+1cc to M/S. S. Jayakumar, Advocate SR. 12525

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GMI (CO)
VR(08/03/2017)



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