

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.402 of 2017
and Crl.M.P.No.3715 of 2017

S.Kadhar Moideen

... Petitioner

Vs.

Murugan
Respondent

...

Prayer:- This Criminal revision is filed under Section 397 & 401 of Cr.P.C., to set aside the order made in Crl.M.P.No.6551 of 2016 in S.T.C.No.141 of 2016 on 10.01.2017, on the file of the learned Judicial Magistrate No.II, Mannargudi.

For petitioner : Mr.S.Arumugam

For Respondent : No appearance

O R D E R

This Criminal Revision has been filed against the order passed in Crl.M.P.No.6551 of 2016 in S.T.C.No.141 of 2016 on 10.01.2017, on the file of the learned Judicial Magistrate No.II, Mannargudi, filed under section 73 of the Indian Evidence Act, to compare the signature found in the disputed cheque.

2.The petitioner is an accused in S.T.C.No.141 of 2016 on the file of the learned Judicial Magistrate No.II, Mannargudi. He stood charged for the offence under section 138 of Negotiable Instruments Act. Pending Trial, an application under Section 73 of the Indian Evidence Act has been filed seeking to compare the signature found in the cheque, without filing any admitted document having signature of the petitioner. Considering the same, the Trial Court dismissed the application holding that no document has been filed having admitted signature. Since, the petitioner did not file any documents containing the signature of the petitioner, the Court below cannot compare the signature. Hence, I do not find any infirmity in the order passed by the Court below.

3.In the result, the Criminal Revision is dismissed. Consequently, connected miscellaneous petition is also closed. However, it is open to the petitioner to file fresh application along with necessary documents enabling the Court below to compare the signature.

Sd/-
Asst.Registrar (CS II)

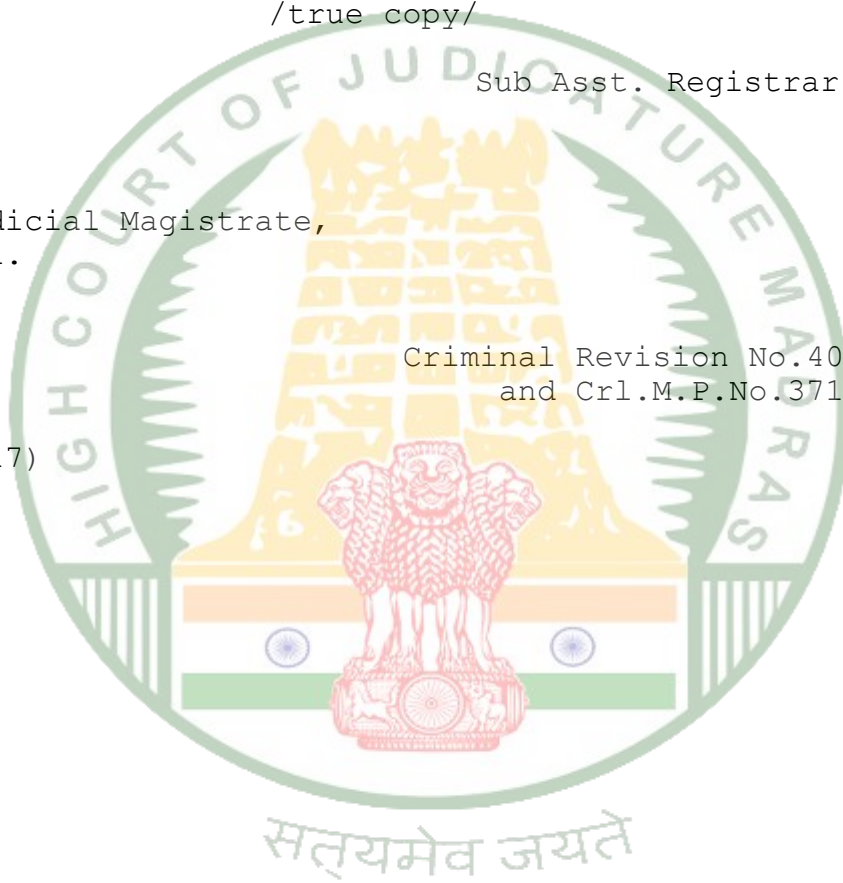
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Sub Asst. Registrar

To
The II Judicial Magistrate,
Mannargudi.

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ss (5/4/2017)



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