

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.627 of 2017
and
Crl.M.P.No.5641 of 2017

S. Sasikala Petitioner/Complainant

//vs//

M. Alagappan ... Respondent/Accused

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure praying to call for the records pertaining to the order passed in C.M.P.No.4506 of 2016 in S.T.C.No.103 of 2016 dated 31.01.2017 pending on the file of the Fast Track Court Magistrate Court No.II, Poonamallee, Tiruvallore District and to set aside the same.

For Petitioner : Mr.M.Prabakar

ORDER

Challenging the order of allowing the respondent's application, filed under Section 45 of the Evidence Act, to send the cheque to the hand writing expert, Forensic Science Department, for comparing the signature, the present revision has been filed by the petitioner/complainant.

2. The petitioner is the defacto complainant in a private complaint filed under Section 138 of Negotiable Instrument Act. The said complaint has been filed by the petitioner on the ground that one Vasantha, who is mother of the respondent/accused had purchased a plot and the respondent/accused on her behalf had issued a cheque bearing No.000002, dated 30.08.2015 for a sum of Rs.50,000/- to discharge the balance amount. When the cheque was presented for

encashment on 16.11.2015, it was returned as "Drawer's signature differs". Thereafter, after completing the legal formalities, the present complaint has been filed by the petitioner before the Judicial Magistrate, Fast Track Court, (Magisterial Level No.II), Poonamallee. Pending the criminal complaint, the respondent/accused disputing the signature found in the cheque, had filed an application to send the cheque for verification by a handwriting expert and the said application has been allowed by the court below. Challenging the same, the present revision has been filed.

3. The respondent being an accused disputing the signature found in the cheque, in order to give an opportunity to prove his case, it is necessary that the cheque should be sent for hand writing expert, Forensic Science Department, for comparing the signature and by that act, the petitioner will be no way prejudiced. Considering all the facts, the court below allowed the application and there is no irregularity or illegality and I find no reason to interfere with the order passed by the court below. Hence, the revision is liable to be dismissed.

4. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp

To
The Judicial Magistrate,
Fast Track Court (Magisterial Level No.II),
Poonamallee.
Thiruvallore (Dt)

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pvs (co)
rmp (20/04/17)