

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.29174 of 2017

and

CrI.M.P.Nos.16493 and 16494 of 2017

R.Uthrapathy ... Petitioner
Vs
Periyasamy ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the docket order of the learned Judicial Magistrate dated 16.12.2017 in STC No.210 of 2015 in returning the petition filed under Section 293 Cr.P.C. and also direct the learned Judicial Magistrate No.I, Viruthachalam to send the cheque bearing No.929717 for hand writing expert.

For Petitioner : Mr.R.C.Paul Kanakaraj
For Respondent : Mr.C.Iyyapparaj
Addl. Public Prosecutor

O R D E R

This petition has been filed to set aside the docket order of the learned Judicial Magistrate dated 16.12.2017 in STC No.210 of 2015 in returning the petition filed under Section 293 Cr.P.C. and also direct the learned Judicial Magistrate No.I, Viruthachalam to send the cheque bearing No.929717 for hand writing expert.

2. According to the petitioner, the petitioner filed a petition under Section 293 Cr.P.C, seeking a direction to the learned Judicial Magistrate No.I, Viruthachalam to send the disputed cheque bearing No.929717 to the hand writing expert for getting opinion. The trial Court, by order dated 16.12.2017, returned the petition. Challenging the same, the present original petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor

appearing for the State and perused the materials available on record.

4. Admittedly, the petition filed under Section 293 Cr.P.C. is not maintainable seeking a direction to send the disputed cheque to the hand writing expert for getting opinion and that the trial Court rightly returned the petition.

5. In the result, this criminal original petition is dismissed. However, if the petitioner wants to send the cheque for hand writing expert, it is open to him to file appropriate petition before the trial Court and on such petition filed, the trial Court is directed to consider the same in accordance with law. Consequently, connected M.Ps. are closed.

Sd/-
Assistant Registrar (CS II)

//True copy//

Sub Assistant Registrar

rrg

To

The learned Judicial Magistrate No.I,
Virudhachalam.

+lcc to Mr.R.C.Paul Kanagaraj, Advocate SR.No.92283

CrI.O.P.No.29174 of 2017

GN(02/01/2018)

सत्यमेव जयते

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