



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD) No.1352 of 2016
and
Crl.M.P.(MD) No.684 of 2016

Samraj ... Petitioner
Vs.

Jeya Kumar ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the learned Fast Tract Court (Magisterial Level) No.1, Nagercoil in Crl.M.P.No.5348 of 2015 dated 17.06.2015.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.M.R.Sreenivasan

ORDER

This Criminal Original Petition has been filed to set aside the impugned order passed by the Fast Tract Court (Magisterial Level) No.1, Nagercoil, in Crl.M.P.No.5348 of 2015 in C.C.No.613 of 2014 dated 17.06.2015.

2.The petitioner is a complainant in C.C.No.613 of 2014 filed under Section 138 of the Negotiable Instruments Act. It appears that after the examination of witnesses including the petitioner, the petitioner has filed a petition to send for a document, namely, Ex.D1 stamp paper, for an expert opinion to compare the signature. The said petition was dismissed. According to the petitioner, Ex.D2 relied upon by the respondent in his defence, is a forged and fabricated document and the stamp paper used for preparing the document has also been tampered.

3.It is the case of the petitioner that the Sub Registrar, who is the custodian of the register, maintained for entering the details and serial numbers of the stamp paper has to be directed to produce the register and that unless that is done, the petitioner will not be in a position to prove that the document is genuine. The petition was dismissed by the trial Court by recording the fact that the petitioner has admitted his signature in the document, namely, Ex.D.2. Since the petitioner's earlier



application to send for the document Ex.D.2 for getting expert opinion, is also dismissed by order dated 25.06.2013, the trial Court was of the view that this petition is only to protract and delay the proceedings without any *bona fide*.

4.This Court is not able to find fault with the trial Court, especially having regard to the admitted facts and circumstances indicated in the order. The petitioner, who has admitted the signature in the document Ex.D.2, during his cross-examination cannot be permitted to raise a plea that the document itself has been forged or that the document was not prepared in the stamp paper.

5.This Court finds no other reason to interfere with the order but inclined to pass the following direction:

"The Fast Tract Court (Magisterial Level) No.1, Nagercoil, is directed to dispose of the case in C.C.No.613 of 2014 within a period of two months from the date of receipt of a copy of this order".

6.Accordingly, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Fast Tract Court (Magisterial Level) No.1,
Nagercoil.

2.Do Thro' The Chief Judicial Magistrate,
Kanyakumari @ Nagercoil.

+ 1 cc TO Mr.M.P.Senthil , Advocate in SR No. 82313

mm

AE/KK/SAR3/31.10.2017/2P/4C

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