



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD).No.18 of 2017

and

CRL.M.P(MD)NO.138 OF 2017

A.Baby

... Petitioner/Petitioner/Accused

-Vs-

K.Vijayarani

... Respondent/Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 3979(1) r/w 401 of the Code of Criminal Procedure, praying this Court to call for the records in C.M.P.No.5321 of 2016 in S.T.C.No.581 of 2015, dated 25.11.2016, on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and to set aside the same.

For Petitioner : M/s.A.Thiruvadikumar

For Respondent : M/s.C.K.M.Appaji

O R D E R

This Criminal Revision Petition has been filed to call for the records in C.M.P.No.5321 of 2016 in S.T.C.No.581 of 2015, dated 25.11.2016, on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and to set aside the same.

2.The Petitioner filed an application under Section 45 of the Indian Evidence Act. The Petitioner is an accused in a private complaint under Section 138 of the Negotiable Instruments Act. The Petitioner filed the application under Section 45 of the Indian Evidence Act to compare the signature and also the writings in the Cheque. The Court below after considering the case, dismissed the application. Challenging the same, the present revision has been filed.

3.I have heard the submissions of Mr.A.Thiruvadikumar, learned counsel for the Petitioner and Mr.C.K.M.Appaji, learned counsel appearing for the respondent carefully and perused the materials placed before this Court.

4.The Petitioner has not disputed the signature in the cheque, and even in the complaint and in his cross-examination, he has only stated that the writings in the cheque is not done by him.



First of all, the dispute is not with regard to the signature found in the cheque. The contention of the Petitioner is that the remaining writing is not that of the Petitioner. According to Section 20 of the Negotiable Instruments Act, the complainant can fill up the cheque. And for that purpose, the cheque cannot be sent for verification. In the above circumstances, this Court finds no merit in the revision and the same deserves dismissal.

5. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

ASSISTANT REGISTRAR(AE)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The Judicial Magistrate,
padmanabhapuram,
Kanyakumari District.

+1 CC TO MR.A.THIRUVADI KUMAR, ADVOCATE, SR NO.63841

vsn

MAS/MR-KKR/SAR1:17.07.2017:2P-3C

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