



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C (MD) .No.135 of 2016

and

CRL.M.P (MD) No.2113 of 2016

S.Karthikeyan

... Petitioner

-Vs-

M.Kaniraj

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying this Court to call for the records and to set aside the order made in Cr.M.P.No.5850 of 2014 in S.T.C.No.151 of 2014, dated 17.12.2015 passed by the learned Judicial Magistrate No.II(Fast Track Court), Madurai.

For Petitioner : M/s.V.Om Prakash

For Respondent : M/s.R.Manoharan

O R D E R

This Criminal Revision Petition has been filed, challenging the dismissal order of the Petitioner's application to compare the signature found in the cheque by an handwriting expert.

2.The Petitioner is an accused in a Criminal case. Earlier, the respondent filed a private complaint under Section 138 of the Negotiable Instruments Act on the ground that the Petitioner has borrowed a sum of Rs.3 lakhs and in order to discharge the above loan, he has issued a cheque and when the same was presented for collection, the said cheque was returned with an endorsement as ''insufficient fund''. After complying with the legal formalities, a complaint has been filed by the respondent and the learned Judicial Magistrate taken cognizance of the crime and issued summons. During trial, since the Petitioner disputed the signature found in the cheque, he had filed an application to compare the disputed signature with the admitted signature by an hand-writing expert and that application has been dismissed by the Court below stating that the Petitioner did not file any document containing the admitted signature to enable the Court below to send the same for comparison of an handwriting expert. Challenging the same, the present revision is filed.



3. Even though notice was served on the counsel for the respondent, he has not chosen to appear before this Court either in person or through counsel.

4. I have heard the submissions of Mr. V. Om Prakash, learned counsel for the Petitioner and Mr. R. Manoharan, learned counsel for the respondent and considered the materials on record.

5. Admittedly, the Petitioner filed an application seeking to send the cheque for comparison of the signature found in the cheque by an handwriting expert and he did not file any document containing admitted signature enabling the Court below to send the same for comparison to an handwriting expert. Only on that score, the Court below dismissed the application filed by the Petitioner. I find no illegality or irregularity in the order of the Court below warranting interference by this Court.

6. In view of the above, this Criminal Revision Case is dismissed. However, liberty is given to the Petitioner to file necessary application with document containing the admitted signature of the contemporary period and if such application being filed, the trial Court is directed to consider the said application on merits and in accordance with law. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

ASSISTANT REGISTRAR (WRITS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The learned Judicial Magistrate No. II
(Fast Track Court),
Madurai.

+1 CC TO MR. V. OM PRAKASH, ADVOCATE, SR NO. 65533

vsn

MAS/SV/SAR2:26.07.2017:2P-3C

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