



WEB COPY

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.371 of 2013

and

M.P. (MD) .No.1 of 2013

R.Dharmalingam

... Petitioner/Petitioner/Appellant

-Vs-

Sampathsekaran

... Respondent/Respondent/Respondent

Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of the Code of Criminal Procedure against the order dated 11.02.2013 passed in CrI.M.P.No.1 of 2011 in CrI.A.No.91 of 2010 by the learned III Additional District and Sessions Judge, Thanjavur at Pattukkottai.

For Petitioner : Mr.A.Thiruvadi Kumar

O R D E R

The petitioner is accused in a private complaint filed under Section 138 of Negotiable Instruments Act in C.C.No.1507 of 2007, on the file of the learned Judicial Magistrate, Pattukkottai. The trial court convicted him and sentenced him to undergo one year rigorous imprisonment and imposed a fine of Rs.3,000/-, in default to undergo six months simple imprisonment. Challenging the same, an appeal has been filed in CrI.A.No.91 of 2010 on the file of the III Additional District and Sessions Judge, Thanjavur at Pattukkottai. Pending appeal, the petitioner filed the present petition under Section 391 Cr.P.C to send the disputed cheque to an expert to find out the age of the writing. The court below dismissed the above application. Challenging the same, the present revision has been filed.

2.I have heard Mr.A.Thiruvadi Kumar, learned counsel appearing for the petitioner and perused the records carefully.

3.It is an admitted fact that there is no facility available in our Country to find out the age of the ink. At this stage, it is relevant to consider a decision of this Court in **R.Jagadeesan V. N.Ayyasamy and another** [2010 (1) MWN (Cr.) DCC 97: 2010 (1) CTC 424], wherein this Court has held that finding the age of the writing in a document is only futile, since the Head of the



Department of Forensic Science at Chennai had stated that there is no scientific method available anywhere in this State to scientifically assess the age of any writing.

3. In view of the above stated position, there is no irregularity or illegality in the order passed by the court below. Hence, this Criminal Revision Case is dismissed. However, the court below is directed to dispose of the appeal within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1.The III Additional District and Sessions Judge,
Thanjavur at Pattukkottai.

2.The Judicial Magistrate,
Pattukkottai.

3.The Chief Judicial Magistrate,
Tanjore at Kumbakonam.

+1cc to Mr.A.THIRUVADI KUMAR Advocate in SR. No.63840

VS

JS/MR.KKR/SAR.2/21.7.2017/2P-5C

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