

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C. No.929 of 2018 &

Crl.M.P.No.10803 of 2018

K.Anbuselvam

.. Petitioner/Accused

Vs

R.Eswaramurthy

.. Respondent/Complainant

Criminal Revision Petition filed under Section 397 r/w.405 Cr.P.C. by setting aside the order dated 25.06.2018 passed in Crl.M.P.No.2309 of 2018 in C.C.No.59 of 2017 on the file of the Judicial Magistrate/Fast Track Court, Kallakurichi, Villupuram District.

For Petitioner : Mr.D.Balachandran

For Respondent : Mr.R.Vivekananthan

ORDER

This revision has been filed seeking to set aside the order dated 25.06.2018 passed in Crl.M.P.No.2309 of 2018 in C.C.No.59 of 2017 on the file of the Judicial Magistrate/Fast Track Court, Kallakurichi, Villupuram District.

2. The case of the petitioner is that the petitioner borrowed a sum of Rs.7 lakhs from the respondent/complainant on 04.11.2016 and issued a cheque for the same and the same was presented to the Bank on 29.12.2016 and the same was returned with an endorsement "insufficient fund". Subsequently, a legal notice was issued. However, the petitioner has sent a reply to the said legal notice. Without convincing the reasons stated in the reply, the respondent/complainant filed a complaint under Section 138 of the Negotiable Instruments Act. After completing the complainant's evidence, the matter was posted for defence evidence, at that time, the petitioner/accused filed a petition before the lower Court under Section 45 of the Indian Evidence Act, seeking to send the disputed cheque for expert opinion [for comparison of signature, date and amount]. However, the lower Court dismissed the said petition. Against which, the present revision is filed before this Court.

3. Heard the learned counsel for the petitioner as well as the learned counsel for the petitioner.

4. Mr.R.Vivekanandhan, the learned counsel for the respondent would fairly concede that this Court may allow this petition on condition to complete the expert opinion within the stipulated and issue a direction to complete the trial within stipulated further time.

5.In view of the limited prayer sought for by the petitioner as well as the respondent, this Court is inclined to allow this petition and set aside the order passed by the lower Court in Crl.M.P.No.2309 of 2018 in C.C.No.59 of 2017 dated 25.06.2018 and the lower Court is directed to forward the original instrument or photocopy of the instrument for expert opinion within 30 days from the date of receipt of a copy of this order. On receipt of the expert opinion, the lower Court has to complete the trial within a period of three months thereafter.

6.In fine, this revision stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate/Fast Track Court,
Kallakurichi, Villupuram District.

2. Do-Thro The Chief Judicial Magistrate,
Villupuram District

+lcc to Mr.D.Balachandran, Advocate SR.NO.61141

+lcc to MR.R.Vivekananthan, Advocate SR.NO.61115

EV(CO)

sm:3.10.2018

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