

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1005 of 2013 and
M.P.No.1 of 2013

R.Sundaravadivelu

... Petitioner

Vs.

P.Murugesan

... Respondent

Prayer: This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order passed in C.M.P.No.01 of 2013 in C.C.No.21 of 2013 dated 04.06.2013 on the file of the learned Judicial Magistrate, Fast Trackt Court, Omalur, Salem.

For Petitioner : Ms.G.Sureshkumar

For Respondent : Mr.P.Jagadeesan

O R D E R

The petitioner is accused and respondent is complainant. The respondent filed a private complaint under Section 138 of Negotiable Instruments Act against the petitioner before the learned Judicial Magistrate, Fast Track Court, Omalur, which was taken on file in C.C.No.21 of 2013. In the said case, the petitioner filed a petition in C.M.P.No.01 of 2013 under Sections 73 and 45 of Indian Evidence Act, seeking to compare the disputed handwriting found in the chit receipts issued by the respondent/complainant. The trial Court, after giving due opportunities to both the parties, had dismissed the petition by order dated 04.06.2013. सत्यमेव जयते

2 Aggrieved against the above said order dated 04.06.2013, the accused has preferred this present criminal revision before this Court.

3 The learned counsel for the petitioner/accused would submit that the respondent/complainant conducted chit and he issued chit receipts to the petitioner, which were disputed by the respondent/complainant at the time of cross examination. Hence the petitioner sought to compare the handwriting found in the disputed chit receipts. The trial Court failed to consider this aspect and erroneously dismissed the petition, which warrants interference of this Court.

4 The learned counsel appearing for the respondent/ complainant would submit that in the above case, trial has been commenced and the matter is posted for cross examination and at this stage the petitioner had preferred the petition to compare the signature, which could not be entertained.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 Though the petitioner has filed petition under Sections 73 and 45 of Indian Evidence Act, he had not produced admitted handwriting of the respondent to compare with the disputed handwriting found on the alleged chit receipts. At the time of cross examination, he has filed this petition, only with an intention to drag the case. Hence this Court does not find any perversity in the order dated 04.06.2013 passed by the learned Magistrate and the same does not warrant any interference.

7 In the result, the criminal revision is dismissed. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Fast Trackt Court,
Omalur, Salem.

2.Do-Thro' The Chief Judicial Magistrate,
Salem.

3.The Section Officer, Criminal Section,
High Court, Madras.

+lcc to Mr.G.Suresh kumar, Advocate, sr.no.60456
+lcc to Mr.P.Jagadeesan, Advocate, sr.no.60452

Crl.R.C.No.1005 of 2013 and
M.P.No.1 of 2013

KK (CO)
RMP (26/09/2018)