

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.29297 of 2018
and
Crl.M.P.No.17180 of 2018

V.Baskar

... Petitioner

vs.

S.Viswanatan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to allow the above Criminal Original Petition by setting aside the order dated 27.07.2018 passed in Crl.M.P.No.2685/2018 in C.C.No.76/2017 on the file of Judicial Magistrate/Fast Track Court, Kallakurichi, Villupuram District.

For Petitioner : Mr.D.Balachandran

O R D E R

This petition has been filed against the dismissal of the petition under Section 293 of Criminal Procedure Code, seeking for sending the cheque to an expert for an opinion.

2. The petitioner is an accused in the criminal complaint filed by the respondent under Section 138 of the Negotiable Instruments Act. During the course of trial, the petitioner had filed a petition under Section 293 of Criminal Procedure Code, on the ground that the subject cheque must be sent to an expert for the purpose of examining the hand writing and the signature found in the cheque and to get a report.

3. This petition has been dismissed by the Court below on the ground that the petitioner in his reply notice has taken a specific stand that the cheque was in fact given to the respondent and the only dispute that was raised in the reply notice was with regard to the total amount that is payable by the petitioner. The Court therefore found that this petition has been filed by the petitioner only with an intention to drag on the proceedings. This Court does not find any illegality or

infirmity in the order passed by the Court below. The petitioner having taken a specific stand in the reply notice, cannot be allowed to now take a stand completely contrary to the earlier stand. The Court below was right in dismissing the petition.

4. In the result, this criminal original petition stands dismissed and the Court below is directed to complete the proceedings in C.C.No.76/2017 on the file of the Judicial Magistrate/Fast Track Court, Kallakurichi, Villupuram District, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

nmm/dss

To

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

2.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.D.Balachandran, Advocate, S.R.No.86624

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GN(08/01/2019)

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