

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1408 of 2018

and

Crl.M.P.Nos.16358 and 16363 of 2018

C.Mohandoss

...Petitioner/Accused

Vs.

R.Chandrasekar

...Respondent/Petitioner

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to call for the records and revise the order passed in C.M.P.No.535 of 2018 in C.C.No.542 of 2016, by the learned Judicial Magistrate, FTC, Alandur, dated 02.08.2018 allow the revision.

For Petitioner : Mr.C.R.Malarvannan

O R D E R

The above Criminal Revision Case has been filed against the order passed in C.M.P.No.535 of 2018 in C.C.No.542 of 2016, by the learned Judicial Magistrate, FTC, Alandur, dated 02.08.2018, dismissing the petition filed under Section 45 the Indian Evidence Act by the petitioner/accused.

2. The learned Magistrate after hearing the counsel and after perusing the records, has held that Ex.P2, promissory note is only a supporting document and the subject cheque issued by the complainant is not disputed by the petitioner and hence, Section 138 ingredients were not affected. Therefore, the trial Court was of the view that the promissory note need not be sent to the Forensic Department for examination.

2. The brief effective docket order passed by the Court below, dated 26.07.2018, is extracted hereunder:

"Heard both the sides. Records perused.

It is seen that the petitioner prays to subject Ex.P2, the promissory note to the Forensic Department to ascertain the signature of the petitioner and his

wife. It is seen that the cheque in this case is not disputed by its signature or the contents. It is also seen that Ex.P2 is only a supporting document to this case. When the subject cheque is not disputed by the petitioner, Section 138 ingredients are not affected. Therefore, at this stage of trial, this Court is not inclined to send the promissory note to the Forensic Department for ascertaining the signatures on it. Thus, in the interest of justice, petition dismissed.''

3. From the above, it could be seen that the learned Magistrate has given convincing reasons for not accepting the petition filed by the petitioner/accused and as such, the order passed by the learned Magistrate does not call for any interference of this Court. The reason given by the learned Magistrate does not suffer from any infirmity and hence, the present revision petition is devoid of merits. Therefore, the same is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

The Judicial Magistrate, FTC, Alandur

+1cc to Mr.K.Nagarajan, Advocate sr.no.83700

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of 2018

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