

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

Crl.R.C.No.1479 of 2018 and
Crl.M.P.No.17372 of 2018

Kavitha

... Petitioner

Vs

N.P.Narasimman

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in connection with the Crl.M.P.No.1832 of 2018 in S.T.C.No.595 of 2017 pending on the file of the learned Judicial Magistrate No.I, Thiruppathur, Vellore District and set aside the order dated 15.11.2018.

For Petitioner : Mr.E.Kannadasan

O R D E R

The present revision case has been filed against the order passed by the learned Judicial Magistrate No.I, Thiruppathur, Vellore District in Crl.M.P.No.1832 of 2018 in S.T.C.No.595 of 2017, dated 15.11.2018, dismissing the petition filed by the revision petitioner/accused under Section 45 of the Indian Evidence Act.

2. According to the revision petitioner/accused, the cheques which were the subject matter under Section 138 of Negotiable Instruments Act, were not signed by her and the signature ought to be sent for forensic expert opinion and identification in order to establish the defence against the complaint filed by the respondent.

3. The learned Judicial Magistrate, after advertng to the materials and submissions made on behalf of the parties, rejected the petition on the ground that the signature which is sought to be compared with reference to the sale deed dated 29.01.2007 and the cheques which were presented before the Court, were in September 2017. The learned Judicial Magistrate said that by passage of time i.e., 10 years from 2007 to 2017, the signature of any party would undergo changes and therefore, there cannot be any foolproof method for comparison of signature

made in 2017 with the signature which was made as early as in 2007. Therefore, the learned Magistrate felt that there was no purpose would be served for sending the signature for verification. The said order is under challenge before this Court by way of this criminal case.

4. The learned counsel for the revision petitioner reiterated the submissions made before the learned Magistrate.

5. This Court finds that the reasons adopted by the learned Magistrate are well-founded and does not suffer from any infirmity. The learned Magistrate has rightly held that the signature which was affixed in 2017, cannot be compared with the signature which was affixed in 2007, as a gap between two periods was more than 10 years and in which event, there was bound to be variations in signature of any party concerned. Such reasoning in the opinion of this Court suffers from no infirmity at all for calling interference from this Court. These kind of petitions have been routinely filed by the accused in order to avoid payment to the complainant and to drag the proceedings to indefinite period. Therefore, the learned Magistrate had rightly dismissed the petition as being devoid of merits. This Court finds that there is nothing wrong with the order passed by the learned Judicial Magistrate. Hence, the present criminal revision case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

gsk

To

1. The Judicial Magistrate No.I,
Thiruppathur, Vellore District.
 2. - do - Through The Chief Judicial Magistrate, Vellore
- +1cc to Mr.E.Kannadasan, Advocate SR.No.87849

GMV (30/01/2019)

Cr1.R.C.No.1479 of 2018