



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C.(MD) No.21 of 2018
and
Cr1.M.P.(MD) No.220 of 2018

S.Kamalarasi
W/o.Selvaraj
Proprietor of
Thirupthikah Engineering Works
F-19, TNPL Colony
Kagithapuram Post
Karur Taluk, Karur District ... Petitioner / Petitioner / Accused

vs.

M.Gunasekaran ... Respondent / Respondent / Complainant

PRAYER: Criminal revision filed, under Section 397(2) Cr.P.C., to call for the records in C.M.P.No.9525 of 2016 in S.T.C.No.586 of 2012 order dated 04.04.2017, on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Karur and set aside the same.

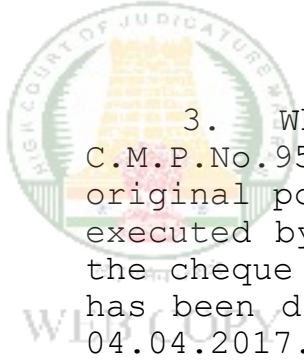
For Petitioner : Mr.A.Haja Mohideen

For Respondent : No appearance

O R D E R

For the sake of convenience, the petitioner and the respondent herein are referred to as "the accused" and "the complainant" respectively in this order.

2. The complainant initiated prosecution in S.T.C.No.586 of 2012, under Section 138 of the Negotiable Instruments Act, against the accused and the same is pending on the file of the learned Judicial Magistrate, Fast Track Court, at Magisterial Level, Karur. The accused filed a petition in C.M.P.No.3111 of 2013 in S.T.C.No.586 of 2012 seeking for sending her admitted signature found in the Account Opening Form relating to her Savings Account in Indian Bank, Manapparai Branch, to have it compared with the disputed signature found in the alleged cheque to the Handwriting Expert for opinion. The said petition was allowed by the Trial Court by order dated 10.12.2013. Thereafter, the accused did not take any steps to have the order implemented.



3. While so, the accused filed another petition in C.M.P.No.9525 of 2016 in S.T.C.No.586 of 2012 to send the registered original power cancellation deed dated 05.02.2008, said to have been executed by her for comparison with the disputed signature found in the cheque to the Handwriting Expert for opinion. The said petition has been dismissed by the Trial Court, by the impugned order dated 04.04.2017. Challenging the same, the accused has filed the present revision.

4. Heard the learned counsel for the accused and perused the materials filed in the form of typed set.

5. The fact remains that this case has been pending on the file of the learned Judicial Magistrate, Fast Track Court, at Magisterial Level, Karur, from the year 2012 onwards without any progress. That apart, the Trial Court had allowed the earlier request of the accused in C.M.P.No.3111 of 2013, despite which, she had not taken any steps for sending the documents for comparison. Under such circumstances, the second petition in C.M.P.No.9525 of 2016 has been rightly rejected by the Trial Court and therefore, the impugned order does not suffer from any infirmity warranting interference of this Court.

6. In the result, the criminal revision is devoid of merits and it is dismissed. However, the accused is at liberty to workout her remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

The Judicial Magistrate,
Fast Track Court,
at Magisterial Level, Karur.

+One cc to Mr.E.K.Kumaresan, Advocate, SR.No.41854

krk

RL/3C/2P/MR/SAR4/23/1/2018

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