



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI. R.C.(MD)No.35 of 2018
and
CrI. M.P.(MD)No.381 of 2018

Kannan

... Petitioner/Respondent/Accused

-Vs.-

Arumugam

... Respondent/Petitioner/Complainant

Prayer: Criminal Revision Case - filed under Section 397 r/w 401 Cr.P.C., to set aside the order passed in Cr.M.P.No.2168 of 2017 on the file of the Additional District Munsif Court, Nanguneri dated 02.06.2017 by allowing this Criminal Revision Petition.

For Petitioner : Mr.H.Arumugam

O R D E R

For the sake of convenience, the parties will be referred to as the complainant and the accused.

2. The complainant has initiated a prosecution in C.C.No.167 of 2010 before the Additional District Munsif cum Judicial Magistrate, Nanguneri under Section 138 of the Negotiable Instruments Act, 1881, against the accused.

3. During the pendency of the prosecution, the accused filed an application under Section 91 Cr.P.C. And Section 45 of the Indian Evidence Act, to send the disputed signature in impugned cheque, Ex.P.1 for comparison of the signature there on with the admitted signature of the accused to one Jayadevi in Bangalore. The said Jayadevi has given a report, Ex.D.1. And she was also examined as D.W.1. Now, it came to the notice of the complainant that the said Ex.D.1 report has been given by Jayadevi in collusion with the accused. Therefore, the complainant filed Cr.M.P.No.2168 of 2017 and 2170 of 2017 in C.C.No.167 of 2010 to send the disputed signature along with the admitted signature to the TamilNadu Forensic Science Laboratory, Madurai. The trial Court, by impugned order dated 02.06.2017, has allowed the petition filed by the complainant, challenging which, the accused has filed the present Criminal Revision Case with the delay of 14 days.



4. This Court has condoned the delay.

5. The learned counsel for the petitioner / accused submitted that the trial Court should not have sent the disputed signature once again, since already Jayadevi has been examined as D.W.1. However, on a perusal of the trial Court order, it is seen that the said Jayadevi is a private expert and not scientific expert in the Forensic Science Department. Therefore, the trial Court has now ordered that the disputed signature should be sent to the TamilNadu Forensic Science Laboratory, Madurai to be examined by hand-writing expert. The report of the Hand-Writing expert is relevant under Section 45 of the Evidence Act. Hence, this Court does not find any infirmity in the order passed by the trial Court warranting interference.

6. In the result, this Criminal Revision Case is devoid on merits and the same is dismissed. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif,
Nanguneri.

SM
TE/JC/SAR-4 : 14/02/2018 : 2P/2C

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