



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.19080 of 2016

and

CRL.M.P.(MD)No.9550 of 2016

G.Sivamurugan

.. Petitioner/Accused

-Vs-

G.Panneer Selvam

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned V Additional District Judge, Madurai in Cr.R.P.No.55 of 2013, dated 29.04.2016 by confirming the order passed by the learned Judicial Magistrate, Melur in Cr.M.P.No.783 of 2013, dated 15.07.2013.

For Petitioner : Mr.J.Jeyakumaran

ORDER

This petition has been filed by the petitioner aggrieved by the concurrent finding of the Court below in dismissing the petition filed under Section 293 of Cr.P.C r/w Section 45 of the Indian Evidence Act to send the cheques marked as Exs.P1 and P2 to a Handwriting Expert for examination.

2.The petition has been filed on the ground that Ex.P1 contains the correction in the date and there is difference in Ink in Ex.P1 and Ex.P2. Therefore, the petitioner sought for sending these cheques for Expert opinion. The Court below, on consideration of the petition, has come to a conclusion that the Court itself is having power under Section 73 of the Indian Evidence Act, to look into the correction by using different inks in Exs.P1 and P2 and for that purpose, there is no requirement to send the cheques for Expert opinion to compare the documents. This order passed by the learned Judicial Magistrate was also confirmed by the learned District Judge, Madurai, by her order dated 29.04.2016. The Courts below further found that this petition has been filed only to protract the proceedings.

3.This Court does not find any illegality or infirmity in the orders passed by the Court below. The S.T.C is of the year 2009 and this petition has been filed in the year 2013. Till date the case is pending before the Trial Court.

4.Therefore, this Criminal Original Petition is dismissed and there shall be a direction to the Judicial Magistrate, Melur, to



dispose of S.T.C.No.602 of 2009 within a period of two months from the date of receipt a copy of this order. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (RTI)

Sub Assistant Registrar (cs-I)

To

1.The V Additional District Judge,
Madurai.

2.The Judicial Magistrate,

Melur, is directed to report compliance of this order after the completion of the proceedings.

TM

DS RP SAR-1;06.09.2018: 2P/3C

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