



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Cr1.O.P.(MD).No.19124 of 2016
and
Cr1.M.P(MD).No.9581 of 2016

K.Vidhya

...Petitioner

Vs.

V.Nachal

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order made in Cr.M.P.No.1688 of 2016 in STC.No.10 of 2016 by the Fast Track Court (Judicial Magistrate), Karaikudi dated 09.09.2016.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.D.Selvaraj

ORDER

This petition is filed to set aside the order of the learned Judicial Magistrate, Karaikudi passed in Cr.M.P.No.1688 of 2016 filed by the petitioner under Section 91 of Cr.P.C on the ground that a pocket notebook that was marked on the side of the petitioner contain the handwriting of the complainant and this handwriting was denied by the complainant. Therefore, the petitioner wanted the complainant to produce documents pertaining to the year 2008, 2009 and 2010 in order to compare the handwriting found therein along with the handwriting that is found in the pocket notebook. The Court below had dismissed the said application on the ground that the petitioner has sought for a general prayer without specifying the nature of documents that is required and without giving the particulars of the document that are required to compare the signature with the signature found in the pocket notebook.

2.This Court is not able to see any illegality or infirmity in the order passed by the Court below. The petitioner cannot seek for a prayer which is general in nature by filing an application under Section 91 of Cr.P.C. The petitioner must specify as to which document must be compared for the purpose of comparing the handwriting of the complainant found in the pocket notebook. Without specifying the document, the petitioner cannot file a petition of this nature.



3. This Court does not find any merit in the Criminal Original Petition and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

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/True Copy/

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS-III)

To

The Judicial Magistrate (Fast Track Court),
Karaikudi.

+1CC to Mr.D.Venkatesh, Advocate, SR.No.80870

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rmk

ES/PM/SAR 3/28.09.2018/2P/3C