



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 25.06.2018

DELIVERED ON : 10.07.2018

CORAM :

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C.(MD) No.298 of 2018

and

Crl.M.P.(MD)No.3995 of 2018

- 1.V.Mohan
- 2.N.Maheswari
- 3.P.Manoharan
- 4.M.Durai Raj
- 5.S.Venkata Narasimhan

... Petitioners

vs.

1. The Inspector of Police,
Vengamedu Police Station,
Karur, Karur District.
Crime No.1566 of 2004

2. B.Shanmugam

... Respondents

Prayer in CRL RC(MD)No.298 of 2018:-

Criminal Revision cases is filed under Section 397 read with 401 of Criminal Procedure Code praying this Hon'ble Court to call for the records pertaining to the petition in Crl.M.P.No.1231 of 2018 in C.C.No.120 of 2009 and set aside the order passed by the learned Judicial Magistrate No.I, Karur dated 13.04.2018 in Crl.M.P.No.1231 of 2018 as illegal and to permit the petitioner/accused to mark the filed certified copies as Exhibit on the side of the petitioners/accused.

For Petitioners	:	Mr.C.M.Arumugam
For 1 st Respondent	:	Mr.K.Suyambulinga Bharathi Government Advocate (Crl. Side)
For R2	:	Mr.B.Shanmugam, Party -in- person

ORDER

Heard Mr.C.M.Arumugam, learned counsel appearing for the petitioners and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the first respondent and Mr.B.Shanmugam, Party-in-person appearing for the second respondent.

2.This petition has been filed to set aside the order passed in Cr.M.P.No.5246 of 2017 in C.C.No.61 of 2014 dated 08.05.2018 on the file of the learned Judicial Magistrate No.I, Pudukottai.The petitioners are accused in C.C.No.120 of 2009.



3. On the side of the petitioners, it is stated that the petitioners filed Crl.O.P.Nos.10238 and 10239 of 2017 before this Court and in that petition, the defacto complainant of C.C.No.120 of 2009 namely, Shanmugam intervened and filed affidavit in Crl.M.P.Nos.7157 and 7158 of 2017. The petitioners herein filed the certified copies of affidavit filed by the defacto complainant in Crl.M.P.Nos.7157 and 7158 of 2017. According to the petitioners, the signatures found in the affidavit filed by the defacto complainant before this Court and the documents filed before the lower Court differs. So in order to establish that the defacto complainant intentionally and wilfully forged his own signature in Ex.P31, the petitioners have filed the petition before the lower Court to receive the affidavits filed by the defacto complainant in Crl.M.P.Nos.7157 and 7158 of 2017. The same has been dismissed by the learned Judicial Magistrate. Hence, the petitioners filed the present Criminal Revision Case alleging that the second respondent has forged his own signature while registering the firms as if the documents was not signed by him and to set aside the order passed by the lower Court.

4. On the side of the second respondent, it is stated that the second respondent has submitted that his signature found in Ex.P31 and the affidavit filed by the defacto complainant are one and the same. Ex.P31 is dated 18.03.1999. The affidavits filed along with the petition dated 13.06.2017. When the second respondent has admitted his signature, there cannot be question of forgery. The signature of the defacto complainant was sent to the finger print and handwriting expert and the expert found all the signature to be same except in the document which was denied by the defacto complainant. Even the Court can compare the signature under Section 73 of Indian Evidence Act. The affidavit stated by the petitioners is not relevant to the case.

5. Actually the petitioners have forged the signature of the second respondent in the document. When the signature was sent for verification, the Forensic Science Department called for sample signature of the second respondent prior to 2004, as the signature may vary due to the time factor. As per the directions of the Forensic Department, the second respondent had furnished 120 signatures for comparison which are prior to the year 2004 and that the Forensic Science Department has filed a report stating that the petitioners have forged the signatures of the second respondent and some other forged documents are seized from the house of the petitioners. As the Forensic Science Department has rejected the signature after the year 2004 and called for a sample signature before 2004. There is no necessity to compare the signature in Ex.P 31 which is dated 18.03.1999 with the signature in the affidavit filed by the defacto complainant in the writ petition dated 13.06.2017. The petitioners forged the signature of the second respondent and dragging on the matter for the past 19



years and the second respondent is dragged to various Courts and this petition filed to drag on the matter further and prayed that the petition to be dismissed.

6. On the side of the first respondent, it is stated that the Forensic Science report was already received. P.Ws.1 to 11 were examined.

7. On the side of the first respondent, it is stated that affidavits in Crl.M.P.Nos.7157 and 7158 of 2017 are filed which is filed in the year 2017. There is no use in comparing those affidavits whereas of Ex.P.31 which is dated 18.03.1999. It is stated that the matter is pending for a long time and that a subsequent direction may be given to the trial Court to dispose of the matter within a stipulated time.

8. A perusal of the records reveals that Ex.P31 was already marked before the trial Court and while marking the documents, the petitioners have not filed any objection petitions. The petitioners did not mention as to why they need to compare the signature with Ex.P31. Comparing a document of the year 1989 with a document of the year 2017 will not be of much use.

9. On the side of the petitioners, it is stated that there is no documents to establish the signature of the defacto complainant.

10. On the side of the respondent, it is requested that the Certified copies of the affidavits in the Crl.M.P.No.7157 and 7158 of 2017 to be marked on the side of the petitioners. Comparing the signature in those affidavits with the signatures of Ex.P31 dated 13.06.1999 will not be of much use. There is no sufficient reasons to interfere with the order of the trial Court. There is no merit in the petition. As the case is pending from the year 2009, the trial Court is directed to disposed of the case within a period of four months from the date of receipt of copy of this order. The Registry is directed to send the copy of the order to the lower Court.

11. With the above direction, this Criminal Revision Case is dismissed. Consequently, Crl.M.P.(MD)No.3995 of 2018 is closed.

Sd/-

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar(SAR4)

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Judicial Magistrate No.I, Karur.



2. The Chief Judicial Magistrate, Karur.

3. The Inspector of Police,
Vengamedu Police Station,
Karur, Karur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.M.Arumugam, Advocate Sr.No.72091
+2cc to Mr.B.Shanmugam, Party in person Sr.No.72024

MRN

VB/SKN/RSK/SAR4/24.07.2018/4P/8C

Cr1.R.C.(MD) No.298 of 2018
10.07.2018