



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2018

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C(MD)No.596 of 2018
and
Crl.M.P.(MD).No.8811 of 2018

A.Susaimani

.. Petitioner/Petitioner/Accused

Vs.

Malayandi Ramaiah

.. Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, against the order dated 10.09.2018 made in Crl.M.P.No.913 of 2018 in S.T.C.No.40 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (M.L.)., Uthamapalayam.

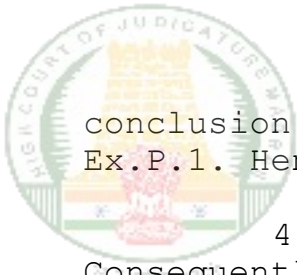
For Petitioner : Mr.K.Guhan

ORDER

The petitioner herein, who is the accused in S.T.C.No.40 of 2017 contending that there is material alteration in the cheque marked as Ex.P.1., sought for referring the document to an expert to ascertain whether there is any alteration. The learned Magistrate after perusing the cheque, which is marked as Ex.P.1 and considering the evidence of D.W.2-the Bank Manager has arrived at a conclusion that alteration in Ex.P.1 is clearly visible and it does not require any expert to ascertain. Having observed that the alteration could be seen on the face of the record, the learned Magistrate has thought fit that there is no necessity to seek for opinion from an expert. Hence, dismissed the said application. Aggrieved by that, the accused has preferred this revision petition.

2. Heard the learned counsel for the revision petitioner and perused the materials placed on record.

3. This Court is unable to comprehend, why the petitioner/accused still wants the document to be referred to an expert for his opinion, when the Court by exercising its power under Section 73 of the Indian Evidence Act, 1872, and in the light of the ocular evidence of the Bank Manager has already arrived at a



conclusion that there is material alteration found visible in Ex.P.1. Hence, there is no necessity to interfere the same.

4. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is dismissed.

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5. It is always open to the revision petitioner/accused to take advantage of the observation made by the trial Court in this regard and canvass the merits of his case during the final hearing. It is also needless to say that the trial Court will take note of the said observation and pass appropriate order in S.T.C.No.40 of 2017.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate,
Fast Track Court (Magistrate Level),
Uthamapalayam.

+ 1 CC TO Mr.K.GUHAN, ADVOCATE IN SR No. 93986

PJL

TE/PM/SAR-3 : 20/11/2018 : 2P/3C

ORDER MADE IN
Cr1.R.C(MD)No.596 of 2018
01.11.2018