



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C(MD)No.458 of 2018

and

Crl.M.P.(MD) No.6380 of 2018

Selvam : Petitioner/Petitioner/
Accused

Vs.

Aboorvaraj : Respondent/Respondent/
Complainant

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records of the learned Judicial Magistrate/Fast Track Court, Pattukkottai in C.M.P.No.1331 of 2018 in S.T.C.No.49 of 2017 and set aside the order dated 02.08.2018.

For Petitioner : Mr.S.Deenadhayalan

ORDER

Heard the learned counsel appearing the petitioner and perused the impugned order.

2.The learned counsel appearing for the petitioner submits that since the writing in the cheque is disputed, it is to be sent for handwriting expert. Since the trial Court has declined to forward the cheque for handwriting comparison, the petitioner is aggrieved and therefore, he filed this criminal revision case before this Court.

3.This Court does not find any merit in the said submission. It is not the writing in the cheque, but only the signature of the drawer found in the cheque matters. In view of Section 20 of the Negotiable Instrument Act, having drawn the cheque and given to the payee by forwarding the disputed cheque for due comparison, is not going to enhance the case of the petitioner and will not help to decide the issue regarding the enforceable liability of the petitioner herein. Therefore, this Criminal Revision Case is dismissed. It is always open to the petitioner to canvas merit of his case before the trial court by let in witnesses in his favour. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CS-II)

/True copy/



To
The Judicial Magistrate/Fast Track Court,
Pattukkottai.

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and
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