

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CrI.R.C.No.156 of 2019 and
CrI.M.P.No.1368 of 2019

P.Muruganantham

...Petitioner/Petitioner/Accused

..Vs..

R.Joseph

...Respondent

This Criminal Revision Petition is filed under Sections 397 read with 401 of Cr.P.C. praying to set aside the order dated 21.12.2018 passed in C.M.P.No. 1369 of 2018 in C.C.No. 71 of 2013 by the Judicial Magistrate Fast Track Court, Coonoor.

For Petitioner : Mr.D.J.Venkatesan

O R D E R

The present criminal revision case has been filed against the order dated 21.12.2018 passed in C.M.P. No. 1369 of 2018 in C.C. No.71 of 2013, by the Judicial Magistrate Fast Track Court, Coonoor, rejecting the petition filed under Section 45 read with Section 73 of the Indian Evidence Act. The said petition has been filed by the petitioner herein in order to compare his signature affixed in the cheque (Ex.P1) stating that the same was not signed by him. Therefore, the petitioner filed the petition seeking to send his signature to the Forensic Science Laboratory (FSL), Chennai, for comparison of the same with the other documents.

2.The learned Magistrate, who dealt with the petition, has ultimately dismissed the petition on the ground that the same was without any merit. The learned Magistrate has held that intentionally the petitioner herein has filed the petition in order to drag the proceedings, as the petitioner has no defence at all otherwise. In fact, the learned Magistrate has found that the petitioner herein has affixed his signatures differently in different documents and was in the habit of putting his signatures differently on different occasions. Therefore, the petitioner herein fraudulently wanted to take advantage of the variation in his signature in order to non-suit the complainant.

3.The learned Magistrate also held that the complaint was taken on file as early as in 2013 and when the accused was questioned under Section 313 of Cr.P.C. he had not stated anything specifically about his signature in the said cheque. After a lapse of several years, the present petition has been filed seeking for verification only with an intention to drag the proceedings and to frustrate the attempt by the complainant to proceed with the complaint against the petitioner. Therefore, the trial Court has dismissed the petition.

4.This Court does not find anything wrong in dismissing the petition by the trial Court, as the attempt by the petitioner herein seeking verification of his signature was aimed at dragging the proceedings ex facie and was clearly intended to achieve the collateral purpose. Admittedly, when the petitioner/accused was questioned when the complaint was taken on file as early as in 2013, no attempt had been made to question his signature on the cheque (Ex.P1). But after a lapse of 5 years, a petition has been filed seeking to verify his signature, which clearly establishes the motive of the petitioner herein. In the said circumstances, the trial Court has correctly rejected the petition as being without any merit. The trial Court has also held that such petition by the petitioner lacks bona fides.

5.This Court does not find any infirmity in the order passed by the trial Court at all and the present criminal revision case is without any substance and therefore, the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pns

To

1.The Judicial Magistrate Fast Track Court,
Coonoor.

2.The Public Prosecutor,
High Court, Madras 104.

+1cc to Mr.D.J.Venkatesan, Advocate sr.no.8140

Crl.R.C.No.156 of 2019 and
Crl.M.P.No.1368 of 2019

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nr 18/03/2019



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