

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9769 of 2018
and
Crl.M.P.No.5102 of 2018

1.D.P.Coconuts,
Rep. by its Partner,
Mr.Dayanidhi,
Puravipalayam Village,
Unjalur Post,
Kodumodi Taluk,
Erode District.

2.Dayanidhi ... Petitioner/Accused No.2

Vs.

Manickkasundaram ... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crl.R.C.No.52 of 2017 dated 18.12.2017 on the file of the Principal District and Sessions Judge, Erode, confirming the order passed in Crl.M.P.No.2177 of 2017 in S.T.C.No.555 of 2015 on the file of the District Munsif cum Judicial Magistrate, Kodumudi order dated 09.08.2017 and set aside.

For Petitioners: Mr.P.P.Shanmugasundaram

For Respondent : Mr.V.S.Kesavan

O R D E R

The prayer sought for in the Criminal Original Petition is to call for the records pertaining to Crl.R.C.No.52 of 2017 dated 18.12.2017 on the file of the Principal District and Sessions Judge, Erode, confirming the order dated 09.08.2017 passed in Crl.M.P.No.2177 of 2017 in S.T.C.No.555 of 2015 on the file of the District Munsif cum Judicial Magistrate, Kodumudi and set aside.

2.The learned counsel for the petitioner submits that his partner has misused the cheque leaf and he had not filled up the cheque and he has not signed the cheque. Hence, the petitioner had filed a petition in CrI.M.P.No.2177 of 2017 in the above S.T.C.No.555 of 2015 case under Section 45 of the Evidence Act, praying for comparison of words, letters, numbers, signature in the cheques with admitted signatures. To the shock and surprise of the petitioner, the said petition was dismissed by the Trial Court on 09.08.2017 without considering the petitioner's grievance and though the petitioner was not asked to produce any document with admitted signatures along with the said petition by the trial Court. The Trial Court without considering the valid objections of the petitioner/accused dismissed the said petition in CrI.M.P.No.2177 of 2017 as per order dated 09.08.2017. Aggrieved by the said order the petitioner/accused filed criminal revision in CrI.R.C.No.52 of 2017 on the file of the Principal District and Sessions Judge, Erode and the same was also dismissed on untenable grounds. Hence, the petitioner has filed this present Criminal Original Petition before this Court.

3.Heard Mr.P.P.Shanmugasundaram, learned counsel appearing for the petitioners and Mr.V.S.Kesavan, learned counsel appearing for the respondent.

4.At this stage, against the above said order, the present petition filed by the second petitioner is nothing but second revision. Therefore, it is not maintainable under law and this petition is not at all maintainable as such this petition is devoid of merits. The Courts' below have rightly dismissed the petition filed by the second petitioner under Section 45 of the Evidence Act to send the cheque for getting expert opinion. The order passed by the Courts' below do not warrant any interference and this Court finds no merit in the above said petition and it is liable to be dismissed.

5.Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

To

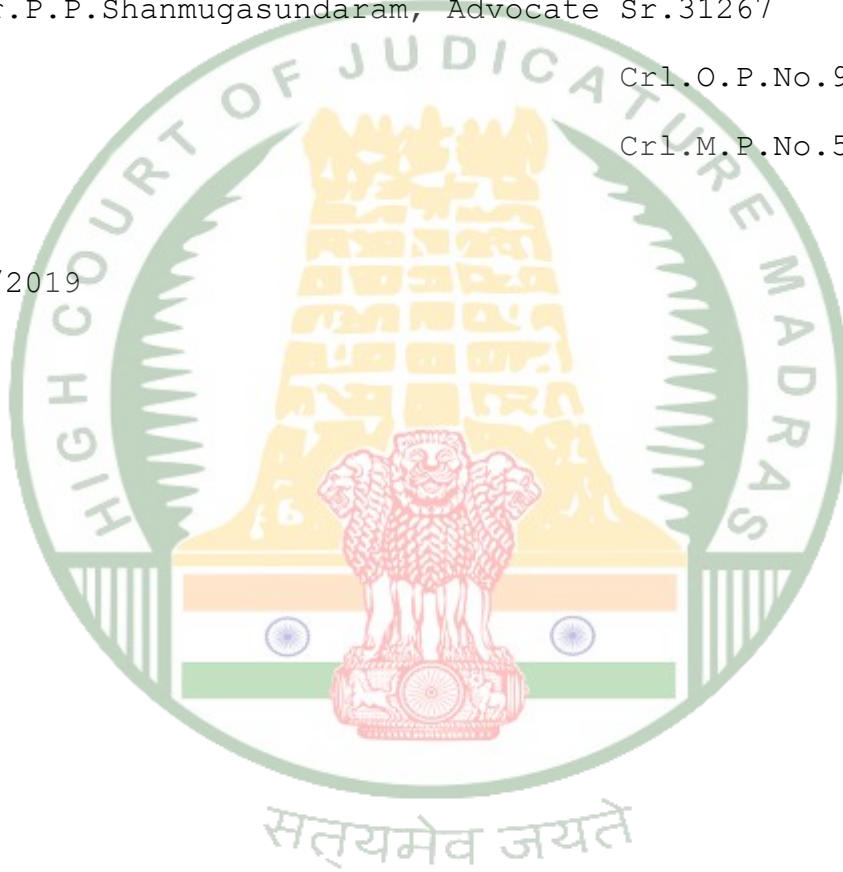
1.The Principal District and
Sessions Judge,
Erode.

2.The District Munsif cum
Judicial Magistrate,
Kodumudi.

+1cc to Mr.P.P.Shanmugasundaram, Advocate Sr.31267

Cr1.O.P.No.9769 of 2018
and
Cr1.M.P.No.5102 of 2018

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srg 17/06/2019



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