

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.270 of 2019 and
Crl.M.P.No.2920 of 2019

G.Parthasarathy ... Petitioner/Complainant

Vs

S.Arumugam ... Respondent/Accused

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the impugned order passed in Crl.M.P.No.329 of 2019 in C.C.No.203 of 2015 on the file of the learned X Metropolitan Magistrate Court at Egmore, Chennai-08.

For Petitioner : Mr.V.Ravindra Ram

For Respondent : No appearance

O R D E R

This Criminal Revision case has been filed to call for the records and to set aside the impugned order passed in Crl.M.P.No.329 of 2019 in C.C.No.203 of 2015 on the file of the learned X Metropolitan Magistrate Court at Egmore, Chennai.

2. The petitioner has filed a private complaint against the respondent under Section 200 of Cr.P.C., in C.C.No.203 of 2015 before the X Metropolitan Magistrate court, Egmore, Chennai. During the pendency of C.C.No.203 of 2015, the revision petitioner filed a petition in Crl.M.P.No.329 of 2019, under Section 45 r/w 73 of Indian Evidence Act to send the 5th document of D1 series to the forensic department for the expert opinion. After the elaborate enquiry the learned X Metropolitan Magistrate dismissed the petition.

3. In this case, after completing the evidence when the case was posted for argument, at that stage the complainant filed the petition under Section 45 r/w 73 of Indian Evidence Act. The learned Magistrate dismissed the petition on the ground that the petitioner has failed to explain that in what way the

document sought for to be sent for getting expert opinion is relevant to decide the case. Further, this Court has directed the learned Magistrate to dispose the case within one month and sending document will not serve the purpose.

4. The main contention of the petitioner is that the respondent was examined as D.W.1 and marked 2 documents. In which one of the documents alleged to have been written by the petitioner. But he has denied the execution of any such document and the signature found in the said document is not that of him.

5. Since the respondent himself filed the said document stating that petitioner executed the same. But the petitioner denied the same. Therefore, if the document is sent no prejudice would be caused to the respondent. Under the said circumstances, the order passed by the learned Magistrate is set aside and the Criminal Revision is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

sbn

To

1.The X Metropolitan Magistrate,
Egmore, Chennai.

2.Do Thro The Chief Metropolitan Magistrate
Egmore, Chennai.

+1 CC to Mr.R. Ravindra Ram, Advocate sr 22139.

सत्यमेव जयते

Cr1.R.C.No.270 of 2019
and

Cr1.M.P.No.2920 of 2019

WEB COPY

SP(20/08/2019)