

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.500 of 2018 and
Crl.M.P.No.6011 of 2018

V.S.Arun

... Petitioner

Vs

Manojkumar Jain (HUF) Respondent
Karthi, Hindu Undivided Family
rep by its Karthi, P.Manojkumar Jain

PRAYER: Criminal Revision Case filed under Article 397 r/w 401 of Criminal Procedure Code to set aside the order dated 16.03.2018 made in Crl.M.P.No. 38 of 2018 in C.A.No. 279 of 2017 on the file of I Addl. District & Sessions Judge, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.V.S.Kesavan

O R D E R

This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 16.03.2018 made in Crl.M.P.No. 38 of 2018 in C.A. No. 279 of 2017 on the file of I Additional District & Sessions Judge, Erode.

2. The respondent herein filed a private complaint under Section 200 Cr.P.C., before the learned Judicial Magistrate, Fast Track Court No.I, Erode in STC.No. 90 of 2016, for the offence under Section 138 of the Negotiable Instruments Act, against the Revision Petitioner. The learned Magistrate after conducting an enquiry found that the revision petitioner has committed the offence under Section 138 of the Negotiable Instruments Act, against which the petitioner has filed the appeal before the learned Session Judge, Erode in C.A.No.279 of 2017.

3. During the pendency of the appeal, the revision petitioner filed the petition under Section 45 of the Indian Evidence Act to compare the signature in the disputed instrument. The learned I Additional Session Judge, Erode, after hearing the Crl.M.P.No.38/2018 had dismissed the petition on the

ground that the appellant has not taken any steps before the Trial Court to send the disputed cheques to handwriting expert for comparing the same. The learned I Additional Judge has pointed out that already 3 witnesses were examined 10 Exhibits were marked before the Trial Court. The accused/appellant has not taken any specific plea that the signatures in the cheques were not that of his signature. Hence, the learned I Additional District and Sessions Judge dismissed the Crl.M.P.No.38 of 2018, by order dated 16.03.2018.

4. A perusal of the records would go to show that the petitioner has not denied his signature found in the disputed cheques before the trial Court, therefore, this Court is of the view that there is no perversity in the order passed by the the learned I Additional District and Sessions Judge in Crl.M.P.No.38 of 2018, by order dated 16.03.2018.

5. Hence, this Revision is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

kmm

To

1. The I Additional District & Sessions Judge, Erode.
2. The Judicial Magistrate,
Fast Track Court No.I, Erode.
3. The Chief Judicial Magistrate, Erode

+1cc to Mr.M.Guruprasad, Advocate SR.No.34529

+1cc to Mr.V.S.Kesavan, Advocate SR.No.34281

Crl.R.C.No.500 of 2018 and
Crl.M.P.No. 6011 of 2018

NRL (CO)
GMY (28/06/2019)