

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6015 of 2019
&
Crl.M.P.Nos.3362 & 3363 of 2019

M.C.Subramaniam ...Petitioner

Vs.

S.Dhanalakshmi ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 29.06.2018 made in Crl.R.C.No.4 of 2018 on the file of the II Additional District and Sessions Judge, Erode confirming the order dated 16.02.2018 in C.M.P.No.877 of 2018 in S.T.C.No.381 of 2012 on the file of the Judicial Magistrate Fast Track Court No.1, Erode.

For Petitioner : Mr.M.Guruprasad

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 Cr.P.C., to set aside the order dated 29.06.2018 made in Crl.R.C.No.4 of 2018 on the file of the II Additional District and Sessions Judge, Erode confirming the order dated 16.02.2018 in C.M.P.No.877 of 2018 in S.T.C.No.381 of 2012 on the file of the Judicial Magistrate Fast Track Court No.1, Erode.

2.The learned counsel for the petitioner would submit that a petition in C.M.P.No.877 of 2018 was filed by the petitioner under Section 45 of Evidence Act to forward the cheque to the handwriting expert to ascertain the signature found in the instrument and the said petition was dismissed by the learned Judicial Magistrate, FTC No.1, Erode. Aggrieved by the said dismissal order, the petitioner preferred a Criminal Revision in Crl.R.C.No.4 of 2018 before the II Additional District and Sessions Judge, Erode and that petition was also dismissed by the learned Judge. Hence, this petitioner is before this Court.

3.It is seen that the petitioner had already filed a petition under Section 45 of the Evidence Act to get the handwriting expert opinion to check the signature found in the cheque. The said cheque was also forwarded to the hand writing expert and report has also been submitted. In this regard, the petitioner had already examined DW1 i.e. the handwriting expert. Thereafter, the petitioner without satisfying with the same, again filed a petition for the same purpose. Both the Courts below have found no merits on entertaining these petitions and have rightly dismissed the same on the ground that the petitioner has been filing a petition one after other only to protract the proceedings.

4.Therefore, this Court finds no merit in this petition and there is no illegality or infirmity in the order passed by the Courts below. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

- 1.The II Additional District and Sessions Judge, Erode
2. -do-Through' The Principal Sessions Judge, Erode.
- 3.The Judicial Magistrate, Fast Track Court No.1, Erode
4. -do- Through 'The Chief Judicial Magistrate, Erode

+1cc to Mr.M.Guruprasad, Advocate SR.No.21167

Cr1.O.P.No.6015 of 2019
&
Cr1.M.P.Nos.3362 & 3363 of 2019

VD(CO)
GMY(08/04/2019)