

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.315 OF 2019

AND

CRL.M.P.NO.3879 OF 2019

M. Murugan

...Petitioner/Accused

Vs.

Sriranjani

...Respondent/Complainant

Prayer:

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure, to set aside the order passed in C.M.P.No.5878 of 2018 in S.T.C.No.13 of 2016 pending on the file of the learned Judicial Magistrate No.II, Chidambaram, Cuddalore District and consequently to sent the signature of the petitioner in the disputed cheque and his original signature for comparison.

For Petitioner : Ms.K. Raja

O R D E R

This Revision has been filed by the petitioner to set aside the order passed in C.M.P.No.5878 of 2018 in S.T.C.No.13 of 2016 pending on the file of the learned Judicial Magistrate No.II, Chidambaram, Cuddalore District.

2. The petitioner is accused and respondent is complainant. The respondent filed a private complaint under Section 138 of Negotiable Instruments Act against the petitioner before the learned Judicial Magistrate-II, Chidambaram, which was taken on file in S.T.C.No.13 of 2016. In the said case, the petitioner filed a petition in C.M.P.No.5878 of 2018 under Section 73 of Indian Evidence Act, seeking to compare the disputed signature found in the cheque by the petitioner/accused. The trial Court, after giving due opportunities to both the parties, had dismissed the petition by order dated 22.02.2019.

3. Aggrieved against the above said order dated 22.02.2019, the accused has preferred this present criminal revision before this Court.

4. The learned counsel for the petitioner/accused would submit that the respondent/complainant requested him to rescue from her financial problems, for which, the accused has issued a unfilled cheque. The complainant put up signature in his signature in Tamil vernacular. The petitioner has not put a signature in

Tamil so far and the signature is forged one. Hence the petitioner sought to compare the handwriting found in the disputed cheque. The trial Court failed to consider these aspects and erroneously dismissed the petition, which warrants interference of this Court.

5. Heard the learned counsel appearing on behalf of the petitioner and perused the materials available on record.

6. The main contention raised by the learned counsel for the revision petitioner is that he has admitted the execution of the cheques. From the above, it is very clear that the petitioner herein, who is accused, was only attempting to drag on the proceedings under the pretext of filing petition under Section 73 of Indian Evidence Act and therefore, the trial Court has rightly dismissed the petition as it devoid of merits. This Court does not think that the said order requires interference of this Court and therefore the present criminal revision is devoid of any merits and the same is accordingly dismissed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Judicial Magistrate No.II,
Chidambaram, Cuddalore District.

2. The Section Officer,
Criminal Section, High Court, Madras-104

+1cc to Ms.K.Raja, Advocate, S.R.No.24404

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LN(CO)
CS/03/05/2019