



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.324 of 2019 and
CrI.M.P.No.4182 of 2019

C.Balu

... Petitioner

Vs

R.M.Meiyappan

... Respondent

PRAYER: Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code to call for the entire records connected with the order dated 02.03.2019 in Cr.M.P.No.1527 of 2019 in C.C.No.2068 of 2016 passed by the learned Metropolitan Magistrate, Fast Track Court No-IV, George Town, Chennai and set aside the same.

For Petitioner : Mr.V.Sathish

For Respondent : Mr.R.Mahendran

O R D E R

This Criminal Revision Case has been filed to set aside the order dated 02.03.2019 on Cr.M.P.No.1527 of 2019 in C.C.No.2068 of 2016 passed by the learned Metropolitan Magistrate, Fast Track Court No IV, George Town, Chennai.

2 The revision petitioner is the accused and the respondent is the complainant. The petitioner filed a private complaint against the respondent under Section 200 of Cr.P.C., before the learned Metropolitan Magistrate, Fast Track Court No-IV, George Twon, Chennai, in C.C.No.2068 of 2016, for the offence under Section 138 of the Negotiable Instruments Act. The said complaint was taken on file even though notice issued to the respondents he has not proceeded with the case in accordance with law.

3 Before the trial Court, after completion of the trial proceedings, this matter was listed for arguments. At that time, the respondent filed a petition in CrI.M.P.No.1527 of 2019 under Section 45 of the Indian Evidence Act, seeking expert opinion.



After an elaborate enquiry the learned Metropolitan Magistrate, Fast Track Court No-IV, Chennai dismissed the petition. As against the order of dismissal the petitioner filed a present Criminal Revision Case, before this Court.

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4 Heard the learned counsel for the revision petitioner and perused the materials available on record.

5 The petitioner is facing trial before the Court below for an offence under Section 138 of Negotiable Instruments Act. The accused had admitted the fact that he had borrowed a sum of Rs.60,000/- from the complainant and he had handed over the cheque and pro-note. Further he admitted the issuance of cheque and the signature found in that cheque. Under these circumstances, it is needless to file a petition under Section 45 of the Indian Evidence Act, for seeking expert opinion of the documents. Further, once the petitioner/accused has admitted the signature found in the cheque and he has not taken any steps to file such applications in an earlier occasions, it is crystal clear that the petitioner/accused attempted to prolong the case for one reason or other.

6 Therefore, this Court does not find any perversity in the dismissal order passed by the learned learned Metropolitan Magistrate, Fast Track Court No-IV, George Town, Chennai, in CrI.M.P.No.1527 of 2019. There is no merits in the revision. Accordingly, the present Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Metropolitan Magistrate,
Fast Track Court No-IV,
George Town,
Chennai.

+1cc to Mr.V.Sathish, Advocate SR.27009

+1cc to Mr.R.Mahendran, Advocate SR.27661

CrI.R.C.No.324 of 2019

and

CrI.M.P.No.4182 of 2019

SSI (CO)

CB(18/12/2019)