

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.847 of 2018 and
Crl.M.P.No.9651 of 2018

K.Anbuselvam ...Petitioner/Petitioner/Accused

-Vs-

R.Pichamuthu ...Respondent/Respondent/Complainant

This Criminal Revision Petition is filed under Sections 397 read with Section 401 of Cr.P.C. to allow the above revision by setting aside the order dated 25.06.2018 passed in Crl.M.P.No.2325 of 2018 in C.C.No.68/2017 on the file of the learned Judicial Magistrate/Fast Track Court, Kallakurichi, Villupuram District.

For Petitioner : Mr.D.Balachandran

O R D E R

The petitioner is accused and respondent is complainant. The respondent filed a private complaint under Section 200 of Cr.P.C., which was taken on file in C.C.No.68 of 2017. After completing examination of witnesses, when the matter was posted for arguments, the petitioner/accused has filed a petition under Section 293 of Cr.P.C. seeking to send the disputed cheque for getting Expert's opinion. The learned Magistrate, by order dated 25.06.2018, had dismissed the petition, against which the accused has preferred this criminal revision.

2 According to the learned counsel for the petitioner the petitioner has denied the execution of the cheque and hence he can file a petition seeking to send the same for getting Expert's opinion at any stage. The learned Magistrate, without considering the above aspect, had dismissed the petition, which warrants interference.

3 Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4 It is seen that the learned Magistrate, while dismissing the petition filed by the petitioner under Section 293 of Cr.P.C. seeking to send the disputed cheque for getting Expert's opinion, had observed that the petitioner did not dispute the cheque at the time of filing of petition under Section 311 seeking recall of witnesses twice. Even after giving several opportunities to the petitioner to adduce evidence, the petitioner did not avail the same, instead, filed petition seeking Expert's opinion. This Court does not find any infirmity or perversity in the order dated 25.06.2018, which is impugned in this criminal revision.

5 Accordingly, the criminal revision case is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner is directed to appear before the Court below on 08.03.2019 to argue the case on merits and the learned Magistrate is directed to deliver judgment on or before 15.03.2019.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

The Judicial Magistrate/Fast Track Court,
Kallakurichi, Villupuram District.

+1cc to Mr.D.Balachandran, Advocate SR.No.13791

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VBA (CO)
GMY (05/03/2019)

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