

**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT****DATE : 24.09.2019****CORAM****THE HONOURABLE MR. JUSTICE V.PARTHIBAN****CRL. R.C. (MD) NO. 376 OF 2019**

.. Petitioner/Accused

M.Ramesh

- Vs -

M.Magudeeswaran

.. Respondent/Complainant

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the order dated 30.01.2019 passed by the learned Judicial Magistrate (FTC), Palani, made in Crl. M.P. No.3827 of 2019 in C.C. No.83 of 2017.

For Petitioner : Mr. D.Venkatesn

For Respondent : Mr. S.R.Suresh Kumar

ORDER

The present revision has been filed against the order dated 30.01.2019 passed by the learned Judicial Magistrate (FTC), Palani, made in Crl. M.P. No.3827 of 2019 in C.C. No.83 of 2017 in and by which the court below dismissed the petition filed by the petitioner herein for comparison of the handwriting found on Exs.D-1 and D-2 with the handwriting of the complainant/respondent herein.

2. It is the case of the petitioner that the handwriting found on Exs.D-1 and D-2 were written by the complainant and that to prove the said handwriting, sought the leave of the Court below to send the documents for the opinion of the handwriting expert after obtaining the handwriting specimen of the complainant in Court.

3. However, the court below, holding that there are no contemporaneous document showing the admitted handwriting of the complainant and that there are possibilities for the complainant to write in a different way. The Court further held that after a long gap of several years, no useful purpose would be served in sending the documents for the opinion of the handwriting expert. Further, the court below held that the accused has not prayed for comparison of the disputed handwriting/signature with the admitted handwriting/signature found in the complaint and vakkalath given by the complainant, but has prayed the court to obtain specimen of handwriting/signature from the complainant in open court for comparing the same with the disputed signature. Therefore, the Court held that such a relief sought for by the petitioner cannot be sustained and, accordingly, dismissed the petition.

4. Learned counsel appearing for the petitioner reiterated the contentions raised before the court below, which was countered by the learned counsel for the respondent.



5. This Court gave its anxious consideration to the contentions advanced by the learned counsel for the parties and also perused the materials available on record as also the impugned order passed by the Court below.

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6. A careful perusal of the order reveals that the court below, after applying its mind to the materials placed before it, has held that it would not be prudent to compare the handwriting/signature at that stage, which is after a passage of long period of time as there is possibility of variance of handwriting/signature. Further, the Court below has also taken into consideration the decision of the Andhra Pradesh High Court, wherein it has been held that the opinion of the handwriting expert in the absence of any contemporaneous signature for comparison with the disputed signature would serve no useful purpose, more so after a long gap of time and has rightly dismissed the petition.

7. On a careful analysis of the order passed by the court below, this Court is of the considered view that the order passed by the court below is based on sound logic and reasoning and is on the touchstone of legal principles and, therefore, no interference is called for with the order passed by the court below.

8. Accordingly, this revision petition is devoid of merits and the same is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

The Judicial Magistrate

Fast Track Court

Palani.

+1 CC to M/s.S.R.SURESH KUMAR, Advocate (SR-89052[F] dated 25/09/2019)

+1 CC to M/s.D.VENKATESH, Advocate (SR-89712[F] dated 26/09/2019)

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KM/ (14.10.2019) 2P 4C