



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on 05.09.2019

Pronounced on 23.09.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

Crl.R.C. (MD)Nos.531, 532 and 533 of 2019
and
Crl.M.P (MD)Nos.6911, 6913 and 6914 of 2019

Subbhulakshmi : Petitioner/Petitioner/
Sole Accused in all petitions

Vs.

Duraipandi : Respondent/Respondent/Complainant
in Crl.RC (MD)No.531/19

Sathishkumar : Respondent/Respondent/Complainant
in Crl.RC (MD)No.532/19

Pandi : Respondent/Respondent/Complainant
in Crl.RC (MD)No.533/19

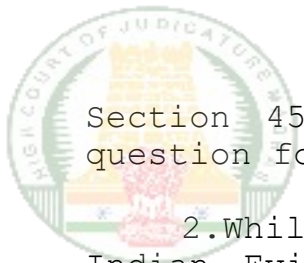
COMMON PRAYER: Criminal Revision Cases are filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records pertaining to the order passed by the learned Judicial Magistrate, Fast Track Court (ML), Theni in Crl.M.P.Nos.1580, 1581 and 1582 of 2018 in S.T.C.Nos.72, 73 and 77 of 2015 respectively dated 28.12.2018 and set aside the same.

In all Crl.RCs;

For Petitioner : Mr.M.Sridharan
For Respondent : Mr.B.Rajeshsaravanan

COMMON ORDER

The present criminal revision petitions have been filed against the common order passed by the learned Judicial Magistrate, Fast Track Court (ML), Theni in Crl.M.P.Nos.1580, 1581 and 1582 of 2018 in S.T.C.Nos.72, 73 and 77 of 2015 respectively dated 28.12.2018 dismissing the petitions filed by the petitioner herein under



Section 45 of the Indian Evidence Act to send the document in question for handwriting expert's opinion.

2.While dismissing the petitions filed under Section 45 of the Indian Evidence Act, the learned trial Court has held that the petition filed under Section 45 of the Evidence Act lacks *bona fide*, since it was intended to protract the proceedings before the trial Court. The learned trial Judge has given elaborate reasons as to how such petitions are not maintainable at the fag end of the trial even the cross examination by the accused was over.

3.According to the petitioner herein, crucial document, namely, the signature as found in the instrument has to be verified by the Forensic Department and the only reason for not entertaining the petition by the trial court is the alleged protraction of proceedings, which cannot be the basis for denial of justice to the accused. This Court is unable to appreciate such arguments which are all often repeated in cheque dishonour cases pending before the trial court. It is being a regular pattern for the accused to file such a petition with a view to protract the proceedings. The petition under Section 45 of the Indian Evidence Act is filed in order to frustrate the efforts of the complainant to have the trial concluded at an early date. Invariably, any adverse order is passed, the same is taken on revision and the accused would ensure that the trial does not reach its logical end within the period. Pendency of private complaint before the trial court and in the higher court would enure to the advantage of the accused and not to the complainant.

4.In this case, even on merits, the trial Court has given reason as to why such petition is not maintainable and also how the same is not relevant, since every thing is borne out by records and also by the oral evidence already tendered in the proceedings. Therefore, this Court is of the considered view that the dismissal of the petition by the trial court is perfectly in order and the same does not suffer from any infirmity calling for interference by this Court.

5.For the above said reasons, these criminal revision petitions stand dismissed by being devoid of merits. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (Cs-III)

// True Copy //

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

The Judicial Magistrate,
Fast Track Court (ML), Theni.

+1 CC to M/s.M.SRIDHARAN, Advocate SR-88900.

+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate SR-88953

**COMMON ORDER MADE IN
Crl.R.C. (MD) Nos.531, 532 and 533 of 2019**

Dated:- 23.09.2019

CS(04.10.2019) 3P 4C