



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.02.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.938 of 2016

WEB COPY

V.Anand : Petitioner/Petitioner/Accused

Vs.

R.Radhakrishnan : Respondent/Complainant

Prayer: Criminal Revision has been filed under section 374 r/w 401 of the Criminal Procedure Code against the order, dated 22.11.2019 in Crl.MP No.999 of 2019 in C.C.No.650 of 2019 passed by the Judicial Magistrate (Fast Track Court), Srivilliputhur.

For Appellant : Mr.V.Selvakumar

For Respondent :Mr.K.Kaviarasan for
Mr.M.Thirunavukkarasu

J U D G M E N T

This Criminal Revision is directed against the order, dated 22.11.2019 in Crl.MP No.999 of 2019 in C.C.No.650 of 2019 passed by the Judicial Magistrate (Fast Track Court), Srivilliputhur.

2.The petitioner filed the petition in Cr.M.PNo.999 of 2019 before the Fast Track Judicial Magistrate, Srivilliputhur, to send the alleged cheque to the expert opinion since the signature found on the alleged cheque is not that of the petitioner. The trial court dismissed said petition on 22.11.2019 stating that the expert opinion will cause delay in proceeding the case. Aggrieved by the said order, the petitioner is before this court.

3.Heard both sides and perused the materials available on record.

4.The learned counsel appearing for the petitioner/accused argued that the accused did not issue the alleged cheque to the complainant because he did not receive any amount from the respondent/complainant and the accused denied his signature in his reply notice and the accused used to sign only as V.Anand, but in the alleged cheque, the signature was found as P.V.Anand and if the alleged cheque has been sent to the expert opinion, the forgery committed by the complainant/respondent will come into light and will be useful for the petitioner to prove the



innocence and prays that the criminal revision has to be allowed.

5. Further the learned counsel appearing for the petitioner/accused submitted that the defence stage is not a belated stage to send the alleged cheque to expert opinion and prays to give a chance to the petitioner/accused to send the alleged cheque to expert opinion to find out whether the signature in the alleged cheque is the petitioner or not. For that, the learned counsel for the petitioner/accused submitted a ruling reported in **2010(2) TNLR 223 MAD (Sivanandha Steel Ltd. Vs. Upasna Finance Ltd)**.

6. On the other hand, the learned counsel for the respondent/complainant argued that the accused has not specifically denied that the alleged cheque was stolen and the signature of the accused was forged and the accused filed the petition seeking for expert opinion is a highly belated one and in order to drag on the proceedings, the petitioner/accused filed this petition and prays that the criminal revision has to be dismissed.

7. In this case, at first the respondent/complainant sent a notice to the petitioner/accused calling upon him to pay the amount already borrowed and the issuance of the cheque to the respondent/complainant for the amount borrowed from him. For the notice, the petitioner/accused sent a reply alleging that the signature found in the alleged cheque is not his signature. Hence, from the beginning, the petitioner/accused denied his signature found in the disputed cheque. In order to find out whether the signature found in the cheque is the signature of the petitioner/accused or not, it is necessary to send the alleged cheque to expert opinion. The reasons stated by the petitioner/accused in his petition are acceptable. Hence, it is necessary to interfere in the findings of the trial court.

8. In the result, this criminal revision is **allowed**. The impugned order passed by the trial court is set aside. The trial court is directed to take steps to send the alleged cheque to the expert opinion.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar (CS)



To, **श्री श्री**

The Judicial Magistrate,
(Fast Track Court), Srivilliputhur.

+1 CC to MR.M.THIRUNAVUKKARASU, Advocate (SR-5182[F] dated 07/02/2020)

+3 CC to MR.V.SELVAKUMAR, Advocate (SR-5254[F] dated 07/02/2020)

Judgment made in
Crl.RC.(MD)No.938 of 2019
07.02.2020

KM/(21.02.2020) 3P 6C