

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.161 of 2021
and Crl.M.P.No.3359 of 2021

Dr.A.Seasti Prabha

.. Petitioner/Accused

...vs...

Jayalakshmi

.. Respondent/Complainant

Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to set aside the order passed in Crl.M.P.No.11805 of 2020 in C.C.No.1498 of 2017 by the learned Fast Track Court I (Magistrate Level) Allikulam, Egmore, Chennai and to send the exhibits A1 and A2 of complaint filed by the complainant in two original cheques and the last page of the complaint in which the complainant had acknowledged the receipt of two original cheques to forensic department for expert opinion to confirm and to compare the handwriting and signature of the complainant available in the Court records in C.C.No.1498 of 2017 with other contemporary documents placed before this Court.

For Petitioner : Mr.G.Dhayashankar

For Respondent : Notice sent. Service awaited.

O R D E R

This Criminal Revision Case has been filed against the order dated 05.01.2021 in Crl.M.P.No.11805 of 2020 in C.C.No.1498 of 2017 by the learned Metropolitan Magistrate, Fast Track Court I, Allikulam, Egmore, Chennai.

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

3. It is seen from the records that the respondent/complainant filed a complaint under Section 138 of Negotiable Instruments Act against the petitioner/accused in C.C.No.1498 of 2017 before the learned Metropolitan Magistrate, Fast Track Court I, Allikulam, Egmore, Chennai. During the pendency of the complaint, the petitioner/accused filed a petition under Section 45 r/w 73 of Indian Evidence Act seeking to send the disputed cheque for experts opinion to compare the names mentioned in the cheque. The learned Magistrate dismissed the petition, after hearing. Hence, the present Criminal Revision Case.

4.The defence taken by the petitioner before the trial Court by way of filing petition under Section 45 r/w 73 of Indian Evidence Act is that she has not filled the names mentioned in the cheque, but, the same was filled only by the respondent/complainant. Further, the respondent/complainant has admitted that the names contained in the disputed cheques were written by herself. Once the complainant admitted the fact that she only written the cheques, there is no need to send the documents to get the expert opinion to prove the same. Therefore, the trial Court has rightly dismissed the petition. There is no merits in the revision and the same is liable to be dismissed.

5. In the light of the above facts, this Court does not find any illegality or infirmity in the order dated 05.01.2021 passed in CrI.M.P.No.11805 of 2020 in C.C.No.1498 of 2017 by the learned Metropolitan Magistrate, Fast Track Court I, Allikulam, Egmore, Chennai. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

ms
To

The Metropolitan Magistrate,
Fast Track Court I,
Allikulam, Egmore, Chennai.

- 1 cc to Mr. G. Dhayashankar, Advocate Sr.23921
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CrI.R.C.No.161 of 2021
and CrI.M.P.No.3359 of 2021

KJ(CO)
EU 17.6.2021

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