



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14866 of 2021

R.Jayasudha,
W/o. R.Ravikumar

... Petitioner

Versus

G.Govindammal,
W/o. V.N.Rathinam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for records of the order in Crl.R.C.No.16 of 2020 dated 06.03.2021 by Hon'ble Principal Sessions Judge, Chennai in confirming the order in Crl.M.P. No.1947 of 2019 in C.C.No.4186 of 2016 dated 28.11.2019 by the Hon'ble XX Metropolitan Magistrate, Allikulam, Chennai and to set aside the same.

For Petitioner : Mr.G.Muthukumar

ORDER

(This case has been heard through video conference)

On the complaint filed by the respondent under Section 138 of Negotiable Instruments Act, the petitioner had filed a petition under Section 45 of Evidence Act before the Trial Court in Crl.M.P.No. 1947 of 2019 to send the cheque for handwriting expert to study the writings in the cheque, which is denied by the petitioner. The same was dismissed by the Trial Court on 28.11.2019. Thereafter, the petitioner has filed a Revision before the Sessions Court in Crl.R.C.No. 16 of 2020 and the learned Principal Sessions Judge by an order dated 06.03.2021 had dismissed the revision. Against which, the present petition has been filed.

2. The contention of the petitioner is that the Trial Court had observed that the petitioner has failed to produce any admitted handwriting document to make comparison of signature. Further, the learned Principal Sessions Judge had not considered this aspect and had dismissed the revision petition.



3. Considering the submissions and on perusal of materials, it is seen that the petitioner admits the issuance of cheque and the signature in it. Filling up of the cheque for the amount in figures and words are denied. The specific finding by the learned Sessions Judge is that the petitioner admits the issuance of the cheque and the signature. Further, the complainant/respondent, who has examined himself as P.W.1 had admits that the cheque was filled up by his daughter-in-law as instructed by the accused, hence given explanation for the discrepancy, which is now objected by the petitioner. Further, the Appellate Court had rightly held that as per Section 20 of Negotiable Instruments Act, when the signed cheque has been handed over, which is not disputed, it gives authority to the person holding the cheque to fill up the same. In view of the same, there is no merit in the submissions of the petitioner to be considered now. Further, this petition is nothing but a second revision, which cannot be entertained, and finding that trial in this case is kept pending for the past five years from the year 2016, this Court directs the Trial Court to complete the trial within thirty days from the date of receipt of copy of this order. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp/rgi

To

1.The Principal Sessions Judge,
Chennai

2.The XX Metropolitan Magistrate,
Allikulam, Chennai.

+1cc to G.Muthukumar, Advocate Sr No.43179

CRL.O.P.No.14866 of 2021

RSV (CO)
PR (16/09/2021)