



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.881 of 2018

1. M/s.R.R.Plots Private Limited,
Rep.by its Director Mrs.Aruna
No.15/6, Balraman Street,
Thiru.Vi.Ka.Nagar,
Chennai - 600 082.

2. Mrs.Aruna

... Petitioners/Accused

.. Vs ..

S.Prabhakar Lal

...Respondent/Complainant

Prayer :- Criminal Revision filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order passed by learned XIX Metropolitan Magistrate in C.M.P.No.652 of 2018 in C.C.No.5920 of 2012 dated 24.04.2018 revised the order allowing the application in C.M.P.No.652 of 2018.

For Petitioner : Mr.K.Nagarajan

For Respondent : No appearance

O R D E R

The respondent is absent.

2. The petitioner herein is the accused in C.C.No.5930/2012. The respondent/complainant filed a private complaint under Section 138 of the Negotiable Instruments Act based upon the cheque No.788716 dated 21.02.2012.

3. When the matter is pending for trial, the petitioner/accused herein had filed a petition in Crl.MP.No.652 of 2018 under Section 45 of the Evidence Act to refer the petition cheque to forensic expert to ascertain the opinion of the expert with regard to the signature of the cheque, age of the cheque and other contents and age of the cheque letters,



amount and seal of the company and signature of the accused and the collection bank seal.

4. Heard the learned counsel for the petitioner.

WEB COPY

5. The suggestive case of the defence is that the cheque was issued by the parties when they were Director of the company long ago and the same is misused in the present case and they also disputed the signature and hence, he filed the application under Section 45 of the Evidence Act.

6. The petitioner denies the age of the cheque and signature which is the year 2012. Regarding the age of the ink, there is no forensic test to determine the same. In other words, in the absence of any forensic technology to ascertain the age of the ink, the same cannot be referred to the Forensic Department and hence the view expressed by the learned trial Magistrate is correct. Besides that the accused also disputed the signature of the cheque and hence, when the signature of the cheque is disputed, opinion of the expert has to be given and hence this criminal revision petition is partly allowed only to the extent of comparison of signature with the admitted signature of the contemporary period.

7. The learned Magistrate is hereby required to send the xerox copy of the cheque along with the sample signature of the contemporary period for the expert opinion.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nvi

To

1. The XIX Metropolitan Magistrate, Chennai.
2. The Chief Metropolitan Magistrate, Egmore, Chennai-8

+1CC to Mr.K.Nagarajan, Advocate, Sr.No.45948

Cr1.R.C.No.881 of 2018

MG (CO)
K.RK. (22.09.2021)