

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1278 of 2020 &
Crl.M.P.No.8969 of 2020

1.M/s.Dass Security Services Pvt. Ltd.,
Rep. by Managing Director,
Mr.A.Arokiadoss,
No.32, Veeraraghavan Road,
New Washermenpet,
Chennai - 600 081.

2.Mr.A.Arokiadoss
3.Mrs.Tamilselvi

Vs.

N.S.Sakthivel

... Petitioners

... Respondent

PRAYER: Criminal Revision Case filed under 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.2023 of 2020 in C.C.No.1296 of 2018, dated 09.03.2020 passed by the learned Metropolitan Magistrate, Fast Track-IV, George Town, Chennai.

For Petitioners: Mr.P.C.Thiyagu

For Respondent : Mr.T.S.N.Prabakaran

O R D E R

The petition is filed seeking a direction to set aside the order dated 09.03.2020 made in Crl.M.P.No.2023 of 2020 in C.C.No.1296 of 2018, on the file of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

2. Petitioners are the accused in C.C No.1296 of 2018 pending on the file of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai. The said proceedings was initiated on a private complaint lodged by the respondent for an offence under Sec.138 r/w 142 of Negotiable Instruments Act (hereinafter referred to as "Act").

3. Pending proceedings, the petitioner has filed Crl.M.P.No.2023 of 2020 under Sec.45 of the Indian Evidence Act seeking for an order to send the cheque to the expert to determine the "age of the ink" found in the cheque. It was opposed by the complainant. The learned Judicial Magistrate, by relying on a decision in the case of Mr.John Sebastian Vs.

Mrs. Jeanetter Doyle in CrI.O.P.No.9359 of 2017, dated 19.12.2018, held that there is no scientific facility to determine the age of the ink and consequently, dismissed the petition.

4. Aggrieved by which, the accused/petitioners are before this Court by way of this Revision.

5. When the Revision came up on earlier occasion, this Court directed the petitioners to find out the lab/institute in which such facility is available, however, the petitioners are not able to give any positive reply. It is to be noted that the learned Magistrate, dismissed the petition stating that there is no such facilities available, even in this Country. Though sufficient time was granted to the petitioners, they have not given any report from any of the Institutes, which has got such facility. However, it is to be noted that any opinion of the expert is not a conclusive proof. This Court, has already given sufficient opportunities to the petitioners to find out any particular mechanism is available, where experts are in a position to verify or ascertain the age of the ink used in the documents and the petitioners are not in a position to establish that such facility is available in particular lab/institute to find out the age of the ink.

6. Therefore, under the circumstances, this Court does not find any perversity in the order passed by the Court below. There is no infirmity or illegality in the order passed by the learned Magistrate. Hence, this revision is liable to be dismissed and accordingly dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To
The Metropolitan Magistrate, Fast Track-IV,
George Town, Chennai.

+1cc to Mr.T.S.N.Prabakaran, Advocate, S.R.No. 24851
+1cc to MrP.C.Thiyagu, Advocate, S.R.No.24574

CrI.R.C.No.1278 of 2020 &
CrI.M.P.No.8969 of 2020

RGN(CO)
GN(02/07/2021)