



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Reserved on : 16.08.2021)

(Pronounced on : 23.08.2021)

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.1302 of 2017

and

Crl.M.P.No.12661 of 2017

S.Kandasamy

... Petitioner

.. Vs ..

M.K.Senthilkumar

... Respondent

PRAYER:

Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., to call for the records relating to the proceedings of the order in C.M.P.No.1197 of 2017 in S.T.C.No.216 of 2016 on the file of the Judicial Magistrate and Fast Track Court, Tiruchengode, Namakkal District set aside the same.

For petitioner : Mr.A.M.Madhankumar
For Mr.M.Senthilkumar

For Respondent : No appearance

O R D E R

The criminal revision is filed by the accused in the cheque dishonor case. During trial in S.T.C.No.216 of 2016 on the file of Judicial Magistrate and Fast Track Court, Tiruchengode, Namakkal District, for the offence under Section 138 of Negotiable Instruments Act.

2. When the matter is posted for defence witness, they filed C.M.P.No.1197 of 2017 for comparison of the signature found in the cheque with that of the admitted signature of the accused. The learned Judicial Magistrate, Tiruchengode has observed that the revision petitioner-accused has not issued any reply legal notice. Even during the cross-examination of P.W.1, the



signature is admitted and what was disputed in the cross of P.W.1 is that the unfilled cheque was subsequently filled up and hence dismissed the C.M.P.

3. Heard the learned counsel for the revision petitioner.

4. This revision is filed against the order of rejection made in C.M.P.No.1197 of 2017 filed by the accused to send the cheque for comparison of the signature to the Forensic Department.

5. In the cross-examination of P.W.1, the signature is already admitted by the accused and even the accused has not disputed the signature in the reply notice. During the cross-examination, it is a specific plea of the accused that the signature is doubtful but not disputed the signature. In the absence of the same, the trial Court has rightly come to the conclusion that this petition was filed only with a view to drag on the proceedings and the matter was posted during the final hearing of the accused and hence, I find that there is no merits in this case.

6. On perusal of the cross-examination of P.W.1, it is only stated that P.W.1 was confronted with question that signature is admitted only contents has been subsequently filled up by P.W.1 and hence I find no merits in this revision.

7. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected Crl.M.P is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nvi

To

The Judicial Magistrate and Fast Track Court,
Tiruchengode, Namakkal District.

+1cc to Mr.M.Senthilkumar, Advocate, S.R.No.42600

Crl.R.C.No.1302 of 2017 and
Crl.M.P.No.12661 of 2017

SS(CO)
CS/20/09/2021