



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.652 of 2019

and

Crl.MP(MD)No.309 of 2019

WEB COPY

Kavitha

w/o.Vishal Adith @ Karthikeyan ... Petitioner/Petitioner/Accused

Vs.

Kulanthaisamy

S/o.Subramanian ... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the condition, directing the petitioner to produce the signed documents executed prior to 27.10.2012, before the Court for sending the same for comparison of Expert Opinion with Cheque/Ex.P1 in S.T.C.No.2482 of 2012 on the file of the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District.

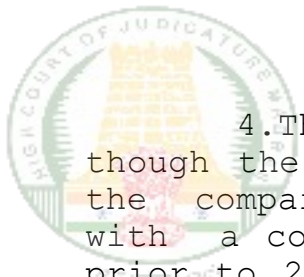
For petitioner	: Mr.N.Subramani
For Respondent	: Mr.B.Anandam

O R D E R

This petition is filed to set aside the condition that the petitioner to produce the signed documents executed prior to 27.10.2012, before the Court for sending the same for comparison of Expert Opinion with Cheque/Ex.P1 in S.T.C.No.2482 of 2012 on the file of the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District.

2.The case of the prosecution is that the petitioner had borrowed a sum of Rs.10,00,000/- from the respondent for her family expenses with a promise to repay the same with 12% interest and she had executed a Cheque for a sum of Rs.10,15,000/-. Thereafter, the respondent found that the cheque was dishonored.

3.The learned counsel for the petitioner submitted that the petitioner is being a house wife and she is not having any documents to show that her signature prior to 27.10.2012. He would further submit that the petitioner's sign is very much available in the Vakalath for comparison and other than, the petitioner is not having any signed documents.



4.The learned counsel for the respondent submitted that even though the petition in Cr.M.P.No.10632 of 2018 has been filed for the comparison of the petitioner's signature, the same was allowed with a condition that the petitioner should produce the documents prior to 27.10.2012 which contains the signature of the petitioner for comparison and till date, the same was not complied with by the petitioner.

5.Heard both sides and perused the materials available on records.

6.As per Section 73 of the Indian Evidence Act would exercise jurisdiction upon the Court to receive the admitted signature of the Accused. Hence, this Court does not find any merits in this case and this Court directs the petitioner to approach the concerned Jurisdiction Court to workout her remedy.

7.At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready to appear before the trial Court for disposal of the case in S.T.C.No.2482 of 2012 on the file of the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District.

8.Considering the oldness of the case, this Court directs the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District to dispose of the case in S.T.C.No.2482 of 2012 within a period of five months from the date of receipt of a copy of this order and the petitioner is directed to appear before trial Court along with her respective advocate properly as undertaken by her

With the above directions, this Criminal original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To,

Judicial Magistrate No.II,
Kumbakonam,
Thanjavur District.

WEB COPY

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N. SUBRAMANI, Advocate (SR-35535[F] dated 23/11/2021)

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KS (CO)

KB(19.01.2022) 3P 4C