



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2022

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WEB COPY

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.7594 of 2022

F.Veniila Fernandaz

...Petitioner

Vs.

The Inspector of Police,
CCB Team - 1,
Vepery,
Chennai - 600 007.
Crime No.221 of 2017.

...Respondent

Prayer :- Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the learned Metropolitan Magistrate Court, CCB & CB-CID Special Court, at Egmore, Chennai to send the sale agreement, Exhibit-P4, dated 05.06.2015 in C.C.No.1251 of 2018 and admitted specimen signature to the Forensic Science Department.

For Petitioner : M/s.M.K.Bhoopathy Rajan

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor,
High Court of Madras.

ORDER

This petition is filed to direct the learned Metropolitan Magistrate Court, CCB & CB-CID Special Court, at Egmore, Chennai to send the sale agreement, Exhibit-P4, dated 05.06.2015 marked in C.C.No.1251 of 2018 to the opinion of hand writing expert with the admitted signature of the petitioner to the Forensic Science Department.

2.Learned counsel for the petitioner submitted that petitioner had not signed in Ex.P-4 sale agreement. However, the criminal case was given against the petitioner and her husband alleging that both of them had executed a sale agreement and agreed to execute the sale suppressing the existing mortgage in favour of REPCO Home Finance Ltd. Petitioner's specific case is that petitioner has not executed the sale agreement and the signature in the sale agreement is not that of her. It is necessary to send Ex.P-4 sale agreement



and subject it to the hand writing expert's scrutiny and opinion.

3. In response, learned Additional Public Prosecutor submitted that petitioner and her husband executed sale agreement in favour of defacto complainant suppressing the mortgage loan in favour of REPCO Home Finance Ltd. It is further submitted that the trial is in progress and out of 13 witnesses 11 witnesses had already been examined. Therefore, this petition is liable to be dismissed.

4. Considered rival submissions and perused the records.

5. It is seen that petitioner had taken a plea that the signature in the Ex.P4 sale agreement is not that of her. However, instead of approaching the concerned Court for the relief now sought in this petition, petitioner directly approached this Court. This Court is of the considered view that this petition cannot be entertained. Though, there is a delay on the part of the petitioner to seek relief, on the ground of delay, petitioner cannot be denied the opportunity of establishing her case. However, petition in Crl.O.P.No.7594 of 2022 is disposed with the direction to the petitioner to file an appropriate petition before the concerned Court. On filing such petition, the learned Judge is directed to dispose the petition on merits and in accordance with law.

6. In fine, Criminal Original Petition in Crl.O.P.No.7594 of 2022 is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate Court,
CCB & CB-CID Special Court,
Egmore, Chennai .

2. The Public Prosecutor, High Court of Madras.

3. The Inspector of Police,
CCB Team - 1, Vepery, Chennai - 600 007.

+1 cc to M/s.M.K.Bhoopathy Rajan, Advocate Sr.NO. 24678
Crl.O.P.No.7594 of 2022

SKM(CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(16/05/2022)