



Crl.R.C.Nos.738 & 749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.Nos.738 & 749 of 2022

and

Crl.M.P.Nos.7648 and 7597 of 2022

Jayam Traders

... Appellant in both case

Versus

Anbazhagan

.. Respondent in both case

Prayer in Crl.R.C.No.738 of 2022 : Criminal Revision Petition filed u/s. 397 read with 401 of Cr.P.C to set aside the order of the learned Judicial Magistrate Additional Mahila Court, Namakkal in Crl.M.P.No.411 of 2022 in C.C.No.464 of 2021 dated 17.05.2022 and allow this Criminal Revision case.

Prayer in Crl.R.C.No.749 of 2022 : Criminal Revision Petition filed u/s. 397 read with 401 of Cr.P.C to set aside the order of the learned Judicial Magistrate Additional Mahila Court, Namakkal in Crl.M.P.No.415 of 2022 in C.C.No.463 of 2021 dated 17.05.2022 and allow this Criminal Revision case.

For Appellant : Mr. M.Mani Gopi

For Respondent : No appearance



JUDGMENT

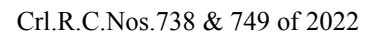
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These two Criminal Revisions filed by the complainant arising out of the order of the learned Judicial Magistrate Additional Mahila Court, Namakkal allowing the applications filed by the respondent/accused to compare the admitted signature with the voucher marked by the complainant and to compare the admitted signature and the signature in the cheque.

2. The learned counsel for the revision petitioner contended that, the respondent/accused has filed these applications only to drag on the proceedings without even a *prima facie* case.

3. I have considered the submission made by the learned counsel for the petitioner and perused the material records of this case.

4. Considering the nature of the offence ie., under Section 138 of the Negotiable Instruments Act, 1881 and the presumption is there as per section 139 of the Negotiable Instrument Act in favour of the complainant and the burden is on the accused to rebut the said presumption and the application filed by the accused cannot be termed as incorrect. However, the apprehension of the learned counsel for the petitioner that, this being used as a tool to



expedite the entire excise.

sustainable. This revision is ordered as follows:

Crl.M.P.No.411 of 2022 in C.C.No.464 of 2021 dated 17.05.2022 are upheld.

receipt of a copy of this order.

(iii) Connected Miscellaneous Petitions are closed.

20.06.2022

Index : yes/no

Speaking order/Non-speaking order

To

1. Judicial Magistrate Additional Mahila Court,
Namakkal.

2. The Public Prosecutor,



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Madras High Court.

3. Deputy Director,
Document Division,
Forensic Science Department,
30 A, Kamarajar Salai, Mylapore, Chennai.

D.BHARATHA CHAKRAVARTHY, J.

sma

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