



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HON'BLE MR. JUSTICE N.SESHASAYEE

CRL.M.P.No.7940 of 2020

in

CRL.R.C.SR.No.33174 of 2020

K.Sangeeth

... Petitioner/ Accused/
Petitioner

(Sought to be Preferred on the
file of the Court)

Versus

Krishnakumar

... Respondent/Complainant/
Respondent

Prayer in Crl.M.P.No.7940 of 2020 : Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 315 days in filing the revision petition against the order passed in C.M.P.No.9203 of 2018 in C.C.No.1458 of 2017 dated 04.02.2019 on the file of Fast Track Judicial Magistrate No.II of Coimbatore.

Prayer in Crl.R.C.SR.No.33174 of 2020 : Criminal Revision Petition filed under Section 397 read with Section 401 of Criminal Procedure Code, to set aside the order dated 04.02.2019 passed in C.M.P.No.9203 of 2018 in C.C.No.1458 of 2017 on the file of the Fast Track Judicial Magistrate No.2 Court of Coimbatore by way of allowing this revision and directing the Lower Court to send the Exhibit P2 i.e., the cheque bearing No.001500 and signature of the revision petitioner in bank account for signature comparison and experts opinion.

For Petitioner : Mr.S.Pooja Shree

O R D E R

The Revision is filed challenging an order of the learned Magistrate declining the prayer of the revision petitioner/accused to have the disputed signature in the cheque verified via forensic expert. However, in preferring the revision, the accused has taken 315 days additional time, to condone which, the present application is filed.

2.Prima facie, this Court is not satisfied with the reasons stated for condonation of delay.



3. Ms. S. Pooja Shree, counsel for the petitioner, submitted that, before the trial Court, on the side of the accused, the Bank Manager was summoned, who had deposed that the signature in the cheque does not reconcile with the specimen signature of the drawer. Besides, there is also an overwriting of the signature with pen on an earlier writing in pencil. However, in the impugned order, the learned Magistrate has just focused only on the aspect of insufficiency of funds in the account of the drawer as a ground for rejecting the prayer seeking appointment of an expert, overlooking the fact that, line of defence adopted by the accused/revision petitioner for rebutting the presumption under Section 139 of the Negotiable Instruments Act is founded outside the said line of reasoning of the learned Magistrate.

4. As outlined, this Court is not impressed with the delay which has now halted the entire disposal of the case. Having stated thus, it is open to the accused to canvass his line of defence before the Magistrate during the final hearing of the case and also to impress upon him the line of defence adopted by the accused.

5. The learned Magistrate is now directed to dispose of the matter considering all the aspects on which the accused may put forth his line of defence and dispose of the matter as expeditiously as possible.

6. Subject to the above observations, the petition is dismissed. Consequently, Crl.R.C.SR.No.33174 of 2020 is rejected.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Jeni/Mkn

To

The Fast Track Judicial Magistrate No.II,
Coimbatore.

Copy To:

The Section Officer,
Crl. Section, High Court, Madras.

CRL.M.P.No.7940 of 2020
in CRL.R.C.SR.No.33174 of 2020

SSD(CO)
SB(11/03/2022)