



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.R.C. (MD)No.273 of 2022

and

Cr1.M.P(MD)No.3595 of 2022

S.Venkatesan

... Petitioner

Vs.

C.Karuppasamy

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the Cr.MP.No.4365/2021 in CC No.101/2013 on the file of the Judicial Magistrate(Fast Track Court-Magistrate Level), Kovilpatti,Tuticorin District and set aside the same.

For Petitioner	: Mr.N.V.Subhapriya
For Respondent	: No Appearance

O R D E R

This Criminal Revision Petition has been filed to call for the records pertaining to the Cr.MP.No.4365/2021 in CC No.101/2013 on the file of the Judicial Magistrate(Fast Track Court-Magistrate Level),Kovilpatti,Tuticorin District and set aside the same.

2. The petitioner is the accused and the respondent is the complainant. The respondent filed complaint for initiating proceedings under Section 138 of the NI Act alleging that the petitioner has borrowed a sum of Rs. 7,00,000/- to develop his business and in order to repay the said amount he issued cheques and when the same was presented for collection it was returned dishonored with an intimation as refer to drawer. After causing statutory notice under 138 of the Negotiable Instrument Act and respondent lodged complaint and the same has been taken cognizance in CC No.103 of 2013 and period of nine years is almost over. Now the petitioner has filed a petition under Section 45 of Indian Evidence Act to compare the signature found in Ex.P.1 for the reason that the signature was not signed by the petitioner herein.

3. Admittedly the said application was filed after questioning under Section 313 of Cr.P.C. Infact the petitioner received the statutory notice on 19.10.2013. Though the petitioner received legal notice he failed to repay the said amount stating that the signature was not his signature in Ex.P.1. That apart the petitioner failed to deny his signature when he was questioned under Section 313 of Cr.P.C. Therefore the present petition has been filed only to drag



on the proceedings and nothing else. Hence the trial Court has rightly dismissed the petition filed by the petitioner and this Court finds no illegality or infirmity in the order passed by the Court below.

4. In the result, the Civil Revision Petition stands dismissed. However the trial Court is directed to directed to complete the trial proceedings within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Judicial Magistrate(Fast Track Court-Magistrate Level),
Kovilpatti,Tuticorin District.

+1CC to M/s.J.PAREKH KUMAR, Advocate (SR-13100[F] dated
18/03/2022)

Cr1.R.C. (MD)No.273 of 2022
18.03.2022

SA(25.03.2022) 2P 3C