



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) .No.271 of 2021

and

Crl.M.P. (MD) .No.2725 of 2021

Mary Lilly Pushpam

...Revision Petitioner/Accused

Vs .

Jaya Raj

...Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., praying to call for the records pertaining to the order passed by the learned Hon'ble Fast Track Judicial Magistrate Court, Eraniel in Crl.M.P.No.992 of 2020 dated 25.01.2021, to set aside the order of dismissal.

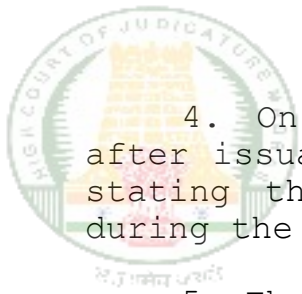
For Petitioner : Mr.S.Suresh Kumar
For Respondent : Mr.S.Pillai Monicantan

ORDER

This Criminal Revision Case has been filed challenging the order passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Eraniel in Crl.M.P.No.992 of 2020 dated 25.01.2021, thereby dismissing the petition filed for sending the cheque for handwriting expert opinion.

2. The petitioner is an accused and the respondent is the complainant. The respondent filed a complaint against the petitioner for the offences punishable under Section 138 of Negotiable Instruments Act, alleging that the petitioner had borrowed a sum of Rs.4,90,000/- from the respondent and in order to repay the same, the petitioner issued the cheque. The cheque was presented for collection and the same was returned dishonoured for the reason 'payment stopped'. After issuing statutory notice, the respondent lodged complaint and the same has been taken cognizance by the Trial Court.

3. After examining the prosecution of the complainant witnesses, the petitioner was also questioned under Section 313 of Cr.P.C. At the defence stage, the petitioner has filed the petition seeking handwriting expert opinion on the exhibit A-1, on the ground that it was forged by interpolating the signature of the petitioner and correcting the amount as Rs.4,90,000/-.



4. On perusal of records, it revealed that the petitioner, after issuance of the statutory notice, replied by the reply notice stating that the signed blank cheque was stolen from her house during the casual visits under the pretext of neighbour.

5. The learned counsel for the respondent also pointed out that even during cross-examination of PW-1, the petitioner failed to cross-examine about the interpolation of his signature.

6. If at all the petitioner had taken his stand that the cheque was interpolated by correcting the amount and by forging the signature of the petitioner, definitely, it would have cross-examined to that extent. Therefore, it is only an after thought, that too, after a period of two (2) years from the cross-examination of PW-1, the present Criminal Revision Case has been filed and it is nothing but filed only to drag the proceedings. Hence, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

7. Accordingly, this Criminal Revision Case is dismissed. Further, the Trial Court is directed to complete the trial within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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

The Judicial Magistrate,
Fast Track Court,
Eraniel.

Crl.R.C. (MD) No.271 of 2021
02.03.2022

RD(24.03.2022) 2P 2C