



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl.R.C.(MD).No.654 of 2022

and Crl.M.P.(MD).No.8150 of 2022

WEB COPY

A.Nirmala

..Petitioner/Petitioner/Sole Accused

Vs.

M/s.Dev Agencies,
rep. by its Power Agent,
S.Kamalanathan,
No.5/184-1, Sri Ragavendra Nagar,
Madurai Bye-pass Road,
Karur - 5.

..Respondent/Respondent/ Complainant

PRAYER: This Civil Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the entire records pertaining to the order in Cr.M.P.No.15463 of 2017 in C.C.No.156 of 2017, dated 21.08.2019, passed by the learned Judicial Magistrate Court (Fast Track Court), Karur and set aside the same.

For Petitioner : Mr.S.Saravanan

For Respondent : Mr.S.Deenadayalan

ORDER

This Criminal Revision Case has been filed to set aside the order in Cr.M.P.No.15463 of 2017 in C.C.No.156 of 2017, dated 21.08.2019, passed by the learned Judicial Magistrate Court (Fast Track Court), Karur.

2.The above said petition was filed by the petitioner under Section 45 of the Indian Evidence Act seeking a reference of the disputed cheque for Expert opinion. That came to be dismissed by the trial Court, on the ground that the case was pending from 2016 for cross examination of P.W.1 and instead of cross examining the P.W.1, this petition has been filed belatedly after a lapse of three years.

3.According to the learned trial Judge, the belated attempt on the part of the petitioner should not be entertained. But, however, the learned counsel for the petitioner relied upon the order that has been passed by this Court in Crl.R.C.(MD).Nos.587 & 589 of 2017, dated 01.08.2018 and submitted that the above said matter is also pending between the very same parties before the concerned Court. A similar application was moved before the trial Court and that came to be dismissed, against which, the aforesaid revision has been preferred. In that matter the petitioner had denied the signature in the partnership deed and as well as the disputed cheque. For a fair adjudication, that revisions were allowed by directing the concerned trial Court to send the disputed documents for Expert opinion. When



the transaction seems to be one and the same, even though there is a delay on the part of the petitioner in approaching the concerned Court for the relief, the problem which may face the petitioner must also be taken into consideration.

(*) 4. "the trial Court has to call for specimen signature of the accused from the Bank and to take the specimen signature of the accused in the open Court and send those specimen signatures along with the disputed signature for expert opinion. The above said process must be completed within a month from the date of receipt of copy of this order and if the petitioner is not co-operating with the trial Court, then the order that has been passed by this Court shall stand automatically cancelled without any reference to this Court and the trial Court may proceed in accordance with law.

5. With the above said directions, this criminal revision case is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

(*) Inserted vide court order dated 11.01.2023 made in CRL RC (MD) No.654/2022

Sd/-

Assistant Registrar (AD-1)

// True Copy //

08/02/2023

Sub Assistant Registrar (CS)

TM

To

To be substituted to the order dated 14.09.2022 already despatched.
The Judicial Magistrate, (Fast Track Court), Karur.

Copy to
The Section officer, Criminal Section,
Madurai Bench of Madras Highcourt, Madurai (2 Copies).

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-44912[F] dated 15/09/2022)

+1 CC to M/s.R.ARAVIND RAJ, Advocate (SR-45531[F] dated 16/09/2022)

**Crl.R.C. (MD) .No.654 of 2022
14.09.2022**

AMS(19.10.2022) 2P 6C

RK(08.02.2023) 2P/6C

<https://www.mhc.tn.gov.in/judis>