



Crl.R.C.(MD)No.559 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.(MD)No.559 of 2022

and

Crl.M.P(MD) No.6964 of 2022

V.Anand

...Petitioner /Petitioner/
Accused

Vs.

R.Radhakrishanan

...Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C praying to call for the records pertaining to the dismissal order passed in Cr.M.P.No.411 of 2022 in C.C.No.650 of 2019 on the file of the Judicial Magistrate Court (Fast Track Court), Srivilliputhur, dated 25.05.2022 and set aside the same.

For Petitioner

: Mr.V.Selvakumar



Crl.R.C.(MD)No.559 of 2022

WEB COPY

ORDER

This Criminal Revision Case has been filed to set aside the impugned order passed by the Judicial Magistrate Court (Fast Track Court), Srivilliputhur, in Cr.M.P.No.411 of 2022 in C.C.No.650 of 2019, dated 25.05.2022.

2. The respondent/Complainant gave a complaint against the petitioner for the offences under Sections 138 and 142 of Negotiable Instrument Act. The petitioner's signature found in the cheque bearing No.000001, dated 02.04.2019 drawn on M/s. City Union Bank Ltd., Srivilliputtur, for a sum of Rs.5,00,000/- (Rupees Five Lakhs) was disputed. The petitioner filed an application in Cr.M.P.No.999 of 2019 in C.C.No.650 of 2019, under Section 45 of the Indian Evidence Act, before the Fast Track Magistrate Court, Srivilliputhur, for sending the disputed cheque for comparison of the signature to the handwriting expert. Therefore, the trial Court has sent the cheque to the Forensic Science Laboratory, Madurai, for comparison of signature and a report, dated 12.11.2021, was given through an Advocate Commissioner to the trial



Crl.R.C.(MD)No.559 of 2022

Court. Aggrieved over the said report the petitioner preferred the another application, seeking expert opinion for second time, which was dismissed on the ground that already an opinion was given and seeking second opinion is not maintainable.

3. Considering the submission of the petitioner and on perusal of the records, it is seen that the petitioner is an accused in C.C.No.650 of 2019, on the file of the Judicial Magistrate Court (Fast Track Court) Srivilliputhur, and based on the cheque bearing No.000001, dated 02.04.2019 drawn on M/s. City Union Bank Ltd., Srivilliputtur, for a sum of Rs.5,00,000/- (Rupees Five Lakhs), a case was filed by the complainant against the petitioner under Sections 138 and 142 of Negotiable Instrument Act. Now, the petitioner filed second application for sending the disputed cheque for comparison of the signature for expert opinion for the second time.

4. On perusal of the records, it is seen that the petitioner assigned valid reasons for filing the second petition and hence, there is no reason to interfere with the order passed by the trial Court.



Crl.R.C.(MD)No.559 of 2022

WEB COPY

5. Therefore, this Criminal Revision Case is dismissed.

Consequently the connected Miscellaneous Petition is closed.

22.06.2022

Index :Yes/No
ebsi

To

The Judicial Magistrate Court (Fast Track Court),
Srivilliputhur.



WEB COPY



Crl.R.C.(MD)No.559 of 2022

V.SIVAGNANAM., J

ebsi

Crl.R.C(MD)No.559 of 2022

22.06.2022



WEB COPY



Crl.R.C.(MD)No.559 of 2022