



Crl.R.C.(MD)No.839 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.839 of 2022
and Crl.M.P(MD)No.10535 of 2022

M.Ariyamuthu

... Petitioner

Vs

K.Kala

... Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the order passed in Cr.M.P. No. 5284 of 2019 in S.T.C.No. 116 of 2019, dated 03.12.2021, on the file of the learned Special Court for Exclusive Trial of NI Act, Tirunelveli and set aside the same.

For Petitioner : Mr.M.Prabhu

For Respondent : Mr.M.Jothimani



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ORDER

This Criminal Revision Petition has been filed to set aside the order dated 03.12.2021, passed by the Judicial Magistrate, Special Court for Exclusive Trial of NI Act, Tirunelveli, in Cr.M.P. No. 5284 of 2019 in S.T.C.No. 116 of 2019.

2.Heard both sides.

3.When the matter was taken up for hearing on 01.11.2022, this Court passed the following order:

“This revision petition has been preferred against the order of allowing the petition that was filed by the respondent dated 03.12.2021. The case is under Section 138 of the Negotiable Instruments Act.

2.The application was moved by the respondent herein before the concerned Court to compare the disputed signature in the cheque with the admitted signature of the Revision petitioner.

3.According to the petitioner, a mistake has been committed by the trial Court by ordering the comparison of the disputed signature with the signature in the xerox copy of the LIC proposal form. It is not permissible in of law. Admittedly, the signature in the xerox copy cannot be compared with the disputed signature. But, however reading of the petition and order shows that there was no



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plea by the respondent herein to compare the signature in the xerox copy of the proposal form. But however the counsel for the petitioner submitted that he obtained information from the LIC Department as to availability of the original document of proposal. In the reply, it is stated that only the copy is available. This fact is not intimated before the concerned Court at the time of enquiry.

4.What ever may be the petitioner submitted that there is no objection for comparison of the disputed signature with the specimen signatures that are available in the State Bank of India.

5.Let the particulars of the above said account number and Branch name of the Bank be informed to the Court by the revision petitioner.

*6.List the matter on **09.11.2022.**”*

4.Pursuant to the above said order, today the revision petitioner has produced his account details of A/c No. 910010002046896 of Axis Bank Limited, Tirunelveli.

5.In view of the above, instead of comparing the disputed signature with the signature in the xerox copy of LIC proposal form etc, entire records containing the signature of the revision petitioner shall be called for from the said Axis Bank to be compared with the disputed signature.



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6.With the above direction, this Criminal Revision Case is disposed
of. Consequently, connected miscellaneous petition is closed.

09.11.2022

Index :yes/No
Internet:yes/No
PNM



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G.ILANGO VAN,J.

PNM

ORDER IN

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