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Crl.R.C.(MD).No.1008 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1008 of 2022
and Crl.M.P.(MD).No.12654 of 2022

1. John Rose
2. Christy

... Petitioners/Accused Nos.1 and 2

Vs.

Rethinadhas Alais Kannan

... Respondent/Complainant

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No.1399 of 2021, dated 15.07.2022 in S.T.C.No.264 of 2018 on the file of the Judicial Magistrate (Fast Track Court), Eraniel, Kanniyakumari District and set aside the same by allowing the Criminal Revision Petition.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For Respondents : No Appearance

ORDER

Challenging the order that has been passed by the trial Court in dismissing the application that was filed by the revision petitioner under



Crl.R.C.(MD).No.1008 of 2022

Section 45 Indian Evidence Act, this revision is filed.

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2.The learned counsel for the revision petitioner submitted that he did not give any reply to the statutory notice that was issued by the complainant. A specific plea has been raised by him to the effect that he did not sign in the disputed document namely, the cheque. The trial Court stated that no reply was given with regard to the demand as well as the plea was not raised at the time of questioning. Only to drag on the proceedings, the plea has been taken. With regard to the plea for sending the document to the Expert for examination of the writings also it has been observed by the trial Court that it is not permissible. No doubt with regard to the writings Expert examination is not permitted. So far as the signature is concerned even though no reply has been given by the petitioner after receiving the statutory notice, when a specific plea has been raised with regard to the denying signature, it is necessary to take the advice of the Expert in this regard.

3.Accordingly, this criminal revision case is allowed and the order passed by the trial Court in Crl.M.P.No.1399 of 2021, dated 15.07.2022, is hereby set aside. Let the revision petitioner produce the contemporaneous document containing his signature before the trial Court. After receiving



Crl.R.C.(MD).No.1008 of 2022

the above said signatures the above said disputed document shall be sent to Forensic Laboratory for examination, by following proper procedure. The petitioner must undertake to bear the expenses to be incurred for the above said examination also. Consequently, connected miscellaneous petition is closed.

09.12.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate (Fast Track Court), Eranial,
Kanniyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.R.C.(MD).No.1008 of 2022

G.ILANGOVA,J.

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