



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.980 of 2021

and

Crl.M.P. (MD) .No.12015 of 2021

Thangavel ...Revision Petitioner/Petitioner/Accused

Vs.

Palanimuthumaran ...Respondent/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 of the Learned Additional District Munsif Cum Judicial Magistrate, Vedasendur, Dindigul District passed in Crl.M.P.No.3083 of 2021 in C.C. No.177 of 2013 dated 12.11.2021 and set aside the same.

For Petitioner : Mr.Sarvagan Prabhu.S
For Respondent : No appearance

ORDER

This Criminal Revision Case has been filed challenging the order passed by the learned Additional District Munsif Cum Judicial Magistrate, Vedasendur, Dindigul District in Crl.M.P.No.3083 of 2021 in C.C.No.177 of 2013 dated 12.11.2021 thereby, dismissing the petition filed by the petitioner seeking for handwriting expert's opinion of Ex.P1 cheque and Ex.P2 challan.

2. The respondent lodged a complaint for the offences punishable under Section 138 of Negotiable Instruments Act as against the petitioner in the year 2013. The trial is pending from the year 2013 and when the PW-1 was examined, only to drag the proceedings, the petitioner filed a petition for sending the cheque and challan to get handwriting expert's opinion, that too, after a period of 9 years. It is nothing but clear abuse of process of law, since the petitioner stalled the trial for the past 9 years and only after examination of PW-1, the said petition came to be filed. Therefore, the Court below rightly dismissed the petition.

3. This Court finds no infirmity or illegality in the order passed by the Court below. This Criminal Revision Case is



dismissed. However, 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 (CS I)

// 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 Additional District Munsif Cum Judicial Magistrate,
Vedasendur.

Copy to:

The Section Officer,Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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16.02.2022

MGJ(09.03.2022) 2P 4C