



Crl.R.C.No.301 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

CRL.R.C.NO.301 OF 2023 &  
Crl.M.P.No.2499 of 2023

Pownraj

.. Petitioner

Vs

The State, represented by  
the Inspector of Police,  
EOW – II,  
Erode District.  
(Cr.No.5/2012)

... Respondent

Prayer: Criminal Revision Case filed under section 397 r/w.401 Cr.P.C. to set aside the order passed in Crl.M.P.No.185 of 2023 in C.C.No.20 of 2012 on the file of Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioner : Mr. S.Karthikei Balan

For Respondent : Mr. R. Vinothraja, GA (crl.side)



CrI.R.C.No.301 of 2023

## ORDER

WEB COPY

This Criminal Revision case has been filed challenging the order of dismissal dated 06.02.2023 passed by the Special Judge, Special Court under TNPID Act, Coimbatore in Cr.M.P.No.185 of 2023 seeking to send the disputed signatures in Ex.C2 and Ex.C3 along with admitted signatures in Ex.D.16 to Ex.D18 to the Forensic Science Laboratory at Chennai for comparison and to file his report and to give evidence under sections 45 ad 47 of the Indian Evidence Act.

2. The learned counsel for the petitioner submitted that in C.C.No.20 of 2012, on the file of Special Judge, Special Court under TNPID Act, Coimbatore, totally there are 6 accused and the petitioner was arrayed as A6 . The petitioner along with other accused are facing charges before the trial court on the allegation that they have conspired together and collected deposits from the general public to invest in the schemes pertaining to EMU business and thereafter cheated them to the tune of Rs.7,54,88,500/-. Before the trial court, several witnesses were examined and exhibits were marked. Ex.C.2 and C3 were marked through Deputy Director, District Industry Centre



Crl.R.C.No.301 of 2023

WEB COPY

which contains forged signatures of the petitioner herein. Therefore, in order to obtain expert opinion to find out the genuineness of the signatures, he filed Crl.M.P.No.185 of 2023 before the trial court seeking to send the disputed signatures found in Ex.C2 and Ex.C3 along with admitted signatures in Ex.D.16 to Ex.D.18 to Forensic Science Laboratory, Chennai for comparison. But the court below has dismissed the said petition. Hence, it was challenged before this court by filing the present criminal revision case.

3. When the matter is taken up for hearing, the learned Govt. Advocate (crl.side) submitted that on 27.3.2023, he was directed by this Court to file a report with regard to Ex.C.2 and Ex.C.3 which have been relied upon to implicate the petitioner in this case. He further submitted that the document containing the original signature obtained from the petitioner herein is not available on the file as per the communication dated 20.04.2023, received by the respondent police from Thiru Maruthappan, General Manager, District Industries Centre. In the said communication, it was stated that the document containing the signature of K.V.Pownraj is not available with them.



Crl.R.C.No.301 of 2023

WEB COPY

4. At this juncture, the learned counsel for the petitioner submitted that in future, if the original records were traced out by the prosecution, he may be permitted to file an application before the trial court for forwarding it to the Forensic Science Department for comparison with the admitted signatures.

5. Accepting the contention of the learned counsel for the petitioner and recording the submission of the learned Govt. Advocate (crl.side), this Criminal Revision Case is closed with liberty to the petitioner to cross examine the prosecution witnesses in this aspect before the trial court. Consequently, the connected miscellaneous petition is closed. If the prosecution in future, files the original record, liberty is granted to the petitioner to file application for sending the disputed signatures found in Ex.C.2 and Ex.C.3 with admitted signatures in Ex.D.16 to Ex.D.18 to Forensic Science Laboratory, Chennai for comparison to prove the genuineness of the signature.

25.04.2023

msr

Index: yes/no

Internet:yes/no



CrI.R.C.No.301 of 2023

WEB COPY

To

1. The Special Judge, TNPID Act, Coimbatore.
2. The Inspector of Police,  
EOW-II, Erode District.
3. The Public Prosecutor,  
Madras High Court.



WEB COPY



Crl.R.C.No.301 of 2023

**V. SIVAGNANAM, J.**

msr

**CRL.R.C.NO.301 OF 2023  
&  
Crl.M.P.No.2499 of 2023**

25.04.2023