



Crl.R.C.No.1200 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.R.C.No.1200 of 2023

K.Jayaraman

... Petitioner

Vs

M.Viswanathan

... Respondent

Prayer : Criminal Revision Petition is filed under Section 397 r/w. 401 of Cr.P.C. to set aside the order in Crl.M.P.No.4766/2021 in STC.No.343/2021 dated 05.04.2023 on the file of the learned Judicial Magistrate, Vaniyambadi.

For Petitioner: Mr.G.Vinodhkumar

ORDER

The present criminal revision petition is directed against the order dated 05.04.2023 in Crl.M.P.No.4766/2021 in STC.No.343/2021 on the file of the learned Judicial Magistrate, Vaniyambadi.



Crl.R.C.No.1200 of 2023

WEB COPY

2. The respondent/complainant filed a petition under the provisions of the Negotiable Instruments Act, 1881. During the course of trial, the revision petitioner/accused filed a miscellaneous petition under Sections 45 & 73 of the Indian Evidence Act praying the Court to send the subject cheque to a forensic lab in order to ascertain the age of the ink on the cheque. The learned Judicial Magistrate, Vaniyambadi vide her orders dated 05.04.2023 dismissed the application on the ground that since there is no mechanism to find out the age of the ink and the age of the writings in a document, the cheque cannot be sent for the said process. Aggrieved over the same, this present criminal revision petition has been filed.

3. Heard Mr.G.Vinodhkumar, the learned counsel for the revision petitioner.

4. The specific contention of the learned counsel for the revision petitioner is that though the petitioner wanted to compare the signature in the document and also to find out the age of the ink on the



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cheque, the trial Court had committed an error by not sending the same to a forensic lab. He further contended that the petitioner had borrowed a loan amount from the respondent during the year 2009 and repaid the same in the year 2011 and the cheque issued by him in the year 2009 has been misused by the respondent/complainant. Therefore, he prayed to set aside the order passed by the trial court.

5. The learned trial Court Judge in her orders dated 05.04.2023 had observed thus :

"6.The learned counsel for the respondent/complainant argued that the acknowledgement receipt dated 06.10.2011 was not submitted before this Court nor marked as an exhibit. Further, argued that there is no scientific invention made to find the age of the ink and the age of the document. Moreover, the petitioner/accused have admitted his signature in the disputed cheque and only in order to prolong the proceedings, this petition is filed. For the above reasons, the present petition is not maintainable and need to be dismissed.



CrI.R.C.No.1200 of 2023

WEB COPY

7. On considering the rival submission made by both the learned counsels and upon perusal of case records, it reveals that the present petition is filed by the petitioner/accused in order to prove the case, it is necessary to send the disputed cheque and the payment acknowledgement receipt dated 06.10.2011 to the Director, Forensic Department Chennai. But Court finds that the petitioner/accused has not submitted the payment acknowledgement receipt dated 06.10.2011. Further, the petitioner/accused wants to prove his case by sending the necessary documents to the Forensic Department Chennai. But it is settled principle of law that there is no competent authority to ascertain the age of the ink or the age of the writings in the documents. When there is no mechanism to find the age of the ink and the age of the writings in the document in the Forensic Department located Chennai, this Court finds that no merits in allowing the present petition."



Crl.R.C.No.1200 of 2023

WEB COPY

6. A bare perusal of the records would clearly show that the present petition has been filed only to delay the process of the Court and Furthermore, I do not see any ground to interfere with the well considered order passed by the learned Judicial Magistrate, Vaniyambadi. Accordingly, the present Criminal Revision is dismissed. No costs.

07.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



Crl.R.C.No.1200 of 2023

R. HEMALATHA, J.
mtl

To

1.The Judicial Magistrate, Vaniyambadi.

2. The Section Officer,
Criminal Section, High Court,
Madras.

Crl.R.C.No.1200 of 2023

07.07.2023