



Crl.R.C.No.1450 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

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

Crl.RC.No.1450 of 2023
and Crl.MP.No.12659 of 2023

M.V.Rathinam ... Petitioner
Vs.
P.Madheswaran ... Respondent

Prayer : Criminal revision is filed under Section 397 r/w 401 of Criminal Procedure Code 1973 to set aside the orders of Judicial Magistrate No.II, Namakkal in Crl.MP.No.1613/ 2023 in CC.No.770 of 2021 dated 06.07.2023.

For Petitioner : Mr.M.Ganesh Babu

ORDER

Challenging the orders passed by the learned Judicial Magistrate No.II, Namakkal dated 06.07.2023 in CMP.No.1613 of 2023 in CC.No.770 of 2021, the present revision has been filed.



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2. The revision petitioner is the accused in CC.No.770 of 2021.

The respondent/complainant filed a private complaint under section 200 Cr.PC against the petitioner/accused for an offence punishable under Section 138 of Negotiable Instruments Act.

3. During the pendency of trial, the accused filed a petition to send the cheque for comparing the signature on the cheque along with his admitted signatures. The learned trial Court judge dismissed the petition vide his orders dated 06.07.2023.

4. It is seen from the records that the accused did not give any reply to the statutory notice issued by the respondent/complainant, even though he received the same, as evidenced by the postal acknowledgment card (Ex.P4). However, during the course of cross examination of the complainant (PW1), it was suggested to him that the accused handed over only a signed blank cheque. Thus the petitioner/accused seems to have admitted the signature on the cheque and therefore, there is no

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necessity for sending the disputed cheque to a hand writing expert. The petition itself is an abuse of process of law and the accused is trying to protract the proceedings by way of filing such frivolous petitions.

5. In the result, the criminal revision is dismissed, with a direction to the trial Court to dispose of the main case in C.CNo.770 of 2021 within one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

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

- 1.The Judicial Magistrate No.II, Namakkal.
- 2.The Public Prosecutor, High Court Madras.



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R. HEMALATHA, J.
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