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Crl.O.P.No.26344 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26344 of 2023

and

Crl.M.P.No.18308 of 2023

Chandra

... Petitioner

Vs.

T.S.R.M. Subramaniya

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 04.10.2023 passed by the learned Fast Track Judicial Magistrate, Tiruthuraipoondi, Thiruvarur District in Crl.M.P.No.2610 of 2023 in S.T.C.No.24 of 2021.

For Petitioner : No appearance

ORDER

This petition is filed to set aside the order dated 04.10.2023 passed by the learned Fast Track Judicial Magistrate, Tiruthuraipoondi, Thiruvarur District in Crl.M.P.No.2610 of 2023 in S.T.C.No.24 of 2021.



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2. Petition filed by the petitioner under Section 311 of Cr.P.C to call for specimen signature maintained in the bank and disputed signature to handwriting experts was dismissed by the trial Court on the ground that, the petition was filed after examination of accused under Section 313 of Cr.P.C. Having admitted the execution of pronote and cheques in blank, there is no necessity to call for specimen signature found in the bank. The comparison of signature should be proved either by bank itself under Section 72 of The Evidence Act or call for expert opinion under Section 45 of The Evidence Act. In this case, the trial Court has thought fit that application under Section 91 of Cr.P.C., does not entertained, since it has been attained vague end of trial as well as the disputal of the signature is only at the later stage of the trial and not at the inception.

3. In the light of the above facts and circumstances, this Court is in total agreement with the reasoning given by the trial Court and also had to say that, if the signature is varying, bank itself while returning the cheque would have mentioned that “Signature Differs”. Therefore, this Court finds no merits to entertain this petition.



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4. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

29.11.2023

Index : Yes/No

Neutral Citation : Yes/No

Sma

To

Fast Track Judicial Magistrate, Tiruthuraipoondi, Thiruvarur



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Dr.G.JAYACHANDRAN,J.

Sma

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