



Crl. R.C.(MD)No.234 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

**Crl.R.C.(MD)No.234 of 2023
and
Crl.M.P.(MD)No.3309 of 2023**

K.Madasamy

.. Petitioner

Vs.

Murugan

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records relating to the order of the Fast Track Court (Magisterial Level) Kovilpatti, Thoothukudi District, dated 09.02.2023 in Cr.M.P.No.276 of 2023 in S.T.C.No.64 of 2022 and set aside the same.

For Petitioner : Mr.S.Ramasamy

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.276 of 2023 in S.T.C.No.64 of 2022, dated 09.02.2023, on the file of the Fast Track Court (Magisterial Level) Kovilpatti, Thoothukudi District, dismissing the petition filed under Section 45 Cr.P.C.



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2. The respondent has filed a private complaint under Section 200 Cr.P.C., against the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act.

3. It is seen from the records that when the case stood posted for defence evidence, the petitioner has filed an application under Section 45 of Cr.P.C, seeking permission to send the disputed cheque to the hand writing expert for comparing the signatures found in cheque along with his admitted signatures. The learned Judicial Magistrate, after conducting enquiry, has passed the impugned order, dismissing the said petition.

4. Admittedly, the petitioner/accused has not sent any reply notice in response to the statutory notice issued by the complainant.

5. The learned counsel for the petitioner would submit that when P.W.1 was cross examined, the present aspect, disputing the signatures found in the cheque, was not put to the complainant.



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6. The learned Judicial Magistrate has specifically observed that the petitioner has not raised the present plea earlier and the above application has been filed only an after thought.

7. Considering the above facts and circumstances of the case and also taking note of the fact that the present plea was not taken earlier, the impugned order, dismissing the petition cannot be found fault with. Hence, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed. Accordingly, is dismissed. Consequently, connected Miscellaneous Petition is closed.

17.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Fast Track Court (Magisterial Level) Kovilpatti,
Thoothukudi District.
- 2.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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