



Crl.R.C.(MD).No.780 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.780 of 2023
and
Crl.MP(MD)No.10583 of 2023

Ayyalusami

... Petitioner/1st Respondent/
1st Accused

Vs.

1.K.Rengammal

... 1st Respondent/Petitioner/
Complainant

Murugan @ Mangalam Murugan (Died)

2.Maadathi

... 2nd Respondent/3rd Respondent/
3rd Accused

3.Anandha Sudharsan

... 3rd Respondent/4th Respondent/
4th Accused

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order dated 14.12.2020 made in Cr.M.P.No.1708 of 2020 in C.C.No.52 of 2016 on the file of the learned Judicial Magistrate No.II, Kovilpatti and allow the Criminal Revision Petition.

For Petitioner : Mr.R.Sankar

For R1 : Mr.J.Antony Arul Raj



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ORDER

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This Criminal Revision is filed to set aside the impugned Judgment passed by the learned Judicial Magistrate No.II, Kovilpatti, in Cr.M.P.No.1708 of 2020 in C.C.No.52 of 2016 dated 14.12.2020.

2.The first respondent in this Revision filed C.C.No.52 of 2016 before the learned Judicial Magistrate No.II, Kovilpatti, to take action against the petitioner and the respondents 2 & 3 and other persons.

3.According to the learned counsel for the petitioner, the case was transferred to the learned Judicial Magistrate, Oottapitaram.

4.According to the learned counsel for the first respondent, the petitioner and the other accused persons said to have forged the document (Ex.C1) dated 02.04.2008. Now, the petitioner is alleged to be abused the said document. Now, the first respondent in order to prove the case filed a petition in Crl.MP.No.1708 of 2020 under Section 45 of Evidence Act for comparison of signature of the first respondent and the same was allowed by the learned Judicial Magistrate No.II, Kovilpatti, by the impugned order dated 14.12.2020. The same was challenged by the petitioner in the memorandum of grounds of Revision.



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5.The learned counsel for the petitioner would submit that without considering the contemporary period of document and without considering the objection raised by the petitioner, the learned Judicial Magistrate allowed the petition. Hence, he seeks indulgence of this Court to set aside the impugned order passed by the learned trial Judge.

6.Per contra, the learned counsel for the first respondent would submit that now, the expert opinion was obtained and the same was pending before the Court. He also produced a copy of the same before this Court. In the said circumstances, he prays for dismissal of this Revision.

7.This Court considering the rival submission and also perused the records annexed in the typed set of papers and also the expert opinion produced by the learned counsel for the first respondent.

8.Admittedly, as per order of the learned trial Judge, no counter was filed. Hence, the submission of the learned counsel for the petitioner is correct. But, according to the petitioner, the learned trial Judge has not considered the oral submission regarding the contemporary period of document. According to the



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first respondent, the said document dated 02.04.2008 was forged by the petitioner and the other accused persons. In the said allegation, the learned trial Judge by the impugned order dated 14.12.2020, correctly directed the concerned authority to compare the signature and submit a report and hence, there is no merit in the contention of the learned counsel for the petitioner.

9. Considering the submission made by the learned counsel for the petitioner, this Court is inclined to dispose this Revision with the following direction:-

The learned Judicial Magistrate No.II. Kovilpatti, is directed to mark the said disputed document after considering the objection raised by the petitioner regarding the contemporary period of document and the opinion of the hand writing expert in accordance with law and complete the trial within a period of six months from the date of next hearing date. Consequently, the connected miscellaneous petition is closed.

24.07.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss



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To

- 1.The Judicial Magistrate No.II,
Kovilpatti.
- 2.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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