



CrI.R.C.(MD)No.62 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.(MD)No.62 of 2019

and

CrI.M.P.(MD)No.1421 of 2019

P.Mariya Selvaraj

... Petitioner

Vs.

C.Ganesan

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in Cr.M.P.No.1744 of 2018 in STC.No.99 of 2012 dated 21.12.2018 by the learned Judicial Magistrate No.4, Tirunelveli and set aside the same by allowing this criminal revision petition.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.Dilipan Pandian,
for Mr.K.Muthuvai Ilayaraja



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ORDER

This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.1744 of 2018 in STC.No.99 of 2012 dated 21.12.2018 by the learned Judicial Magistrate No.4, Tirunelveli.

2.The petitioner is an accused in the complaint lodged by the respondent under Section 138 of the Negotiable Instruments Act. The specific case of the petitioner is that the respondent is stranger to him and he never borrowed any amount. Originally the cheque was handed over to one Sankar and the same was misused by the respondent herein and initiated proceeding under Section 138 of NI Act.

3.After cross-examination of P.W.1, the petitioner filed a petition for a direction to Director of Tamilnadu Government Forensic Laboratory, Chennai to give expert opinion on the voice recorded in Ex.MO.1 and Ex.MO.2. However, it was dismissed. Aggrieved over the same, the petitioner preferred revision before this Court in CrI.R.C.(MD)No.32 of 2014. This Court vide order dated 13.06.2014 disposed



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of the revision with a direction that first the petitioner ought to have marked those voice messages and thereafter can seek for expert opinion.

Accordingly, the petitioner was himself examined as D.W.1 and marked Ex.MO.1 and Ex.MO.2. After marking those voice recorder, the petitioner again filed a petition seeking expert opinion on the voice recorder. It was also dismissed on the ground that as per GO(D)No.589, the expert opinion can be sought only for murder cases and kidnapping cases, that too, by All India Institute of Speech and Hearing at Mysore or Central Forensic Science Laboratory, Chandigarh. Now the petitioner ready and willing to pay cost for sending Ex.MO.1 and Ex.MO.2 for expert opinion to All India Institute of Speech and Hearing at Mysore or Central Forensic Science Laboratory, Chandigarh.

4.Considering the above facts and circumstances, the order passed by the Court below is hereby set aside and this criminal revision case is allowed on payment of cost Rs.25,000/- payable by the petitioner to obtain expert opinion from All India Institute of Speech and Hearing at Mysore or Central Forensic Science Laboratory, Chandigarh. The trial Court is directed to sent Ex.MO.1 and Ex.MO.2 along with fresh



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recorded voice of the petitioner as well as the respondent to All India Institute of Speech and Hearing at Mysore or Central Forensic Science Laboratory, Chandigarh forthwith. On receipt of report from the expert, the trial Court shall complete the trial within a period of two months, thereafter. Consequently, connected miscellaneous petition is closed.

05.06.2023

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

The Judicial Magistrate No.4,
Tirunelveli.



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G.K.ILANTHIRAIYAN,J.

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