



CrI.R.C.(MD).No.937 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C.(MD).No.937 of 2023

and

CrI.M.P(MD).No.12275 of 2023

Jesuraj

... Petitioner

Vs.

Arunachalam

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Cr.M.P.No.1484 of 2023 in C.C.No.189 of 2019, on the file of the Judicial Magistrate Court, (Fast Track Court), Karaikudi, Sivagangai District dated 04.08.2023 and set aside the same and consequently direct the Judicial Magistrate Court (Fast Track Court), Karaikudi, Sivagangai District to recall and examine Accused/petitioner

For Petitioner : Mr.D.Rameshkumar

ORDER

This Criminal Revision Case has been filed against the order passed in Cr.M.P.No.1484 of 2023, in C.C.No.189 of 2019, on the file of



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the Judicial Magistrate Court, (Fast Track Court), Karaikudi, Sivagangai District.

2. The petitioner herein filed a petition in Crl.M.P.No.1484 of 2021, under Section 47 of the Indian Evidence Act, to send the promissory note to get the opinion of Handwriting Expert.

3. According to the petitioner, he is not disputing the signature in the promissory note. The petitioner on receipt of the statutory notice, issued by the respondent, did not send any reply. The case was posted for argument. At this stage, the petitioner herein has filed this petition to get expert opinion. The same was considered by the learned trial Judge and held that the application was filed without any bona fide reason and only to prolong the litigation. Further, the learned trial Judge, gave a finding that the petitioner herein admitted the signature in the cheque and also cross examination was over. Hence, the issue of the legally enforceable debt was proved or not is to be decided during trial and therefore, this Court was not inclined to entertain the petition. The learned trial Judge, correctly applied



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the principle in accordance with law.

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4. Accordingly, this Criminal Revision Case stands dismissed. The order passed in CrI.M.P.No.1484 of 2023, in C.C.No.189 of 2019, on the file of the Judicial Magistrate Court, (Fast Track Court), Karaikudi, Sivagangai District, is hereby confirmed. Consequently, connected Criminal Miscellaneous Petition is closed.

25.08.2023

NCC :Yes/No

Index :Yes/No

Internet :Yes/No

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K.K.RAMAKRISHNAN, J.

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