



Crl.R.C.No.63 of 2024
and
Crl.M.P.No.423 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2024

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.R.C.No.63 of 2024
and
Crl.M.P.No.423 of 2024

Shaik Basha

... Petitioner/Accused

Vs.

Thyagaraju

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C to call for the records relating to the order dated 30.11.2023 made in Crl.M.P.No.4302 of 2023 in STC No.140 of 2019 on the file of Judicial Magistrate, FTC, Hosur and set aside the same.

For Petitioner

: Mr.S.Ramajayam

ORDER

This revision petition has been filed to set aside the impugned order dated 30.11.2023 made in Crl.M.P.No.4302 of 2023 in STC No.140 of 2019 on the file of learned Judicial Magistrate, Fast Track Court, Hosur.



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2.The petitioner is the accused in S.T.C.No.140 of 2019 in a private complaint filed by the respondent/complainant under Section 138 of the Negotiable Instruments Act. He filed a petition in Crl.M.P.No.4302 of 2023 under Section 45 of the Evidence Act to forward the cheques/Exs.P1 and P2 to the hand writing expert for getting his opinion with regard to the genuineness of the documents. The Trial Court, by order dated 30.11.2023, dismissed the same, against which, the present revision petition has been filed.

3.The learned counsel for the petitioner submitted that prior to the issuance of the cheques, there was an agreement, which has been suppressed by the complainant. His specific case is that no cheques were given by the petitioner to the respondent/complainant herein. The cheques were handed over to one Puttappa and thereafter how the cheques landed at the hands of the respondent, is not known. The respondent using the cheques given to Puttappa has filed a false complaint against the petitioner.



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4.From the order of the Lower Court, it is seen that the only objection of the petitioner seems to be that cheques were given to Puttappa and not to the respondent. Further in paragraph 5 and 6 of the order, it has given the details, which are as follows:

“5) It is seen from the records that on 16.06.2022 Non Bailable Warrant was issued against this petitioner due to non appearance and the same was recalled on 19.09.2022 on cost of Rs.2,000/-. Further on 24.11.2022, the respondent/complainant was examined as PW1 and ExP1 to ExP7 marked and posted for cross of PW1 on 20.12.2022. Further the case was adjourned for cross of PW1 on the following hearing dates on 12.01.2023, 03.02.2023, 18.02.2023, 01.03.2023, 23.03.2023, 13.04.2023 on which date change of vakalat was filed for the accused and on 15.05.2023 the accused not ready for cross of PW1 and cross of PW1 was closed by this Court.

6) Further on 03.06.2023 this petitioner filed a petition under Section 311 of Cr.P.C. to recall the PW1 and the same was allowed on cost. On 08.06.2023 the PW1 was cross examined in full and complainant's evidence also closed. Further the case was posted to 13.07.2023 for 313(1)(b) questioning and on 07.08.2023 313(1)(b) questioning was explained to the accused and he stated that he gave the cheque to one Puttappa and the same was misused by the



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5.Further the Trial Court had also observed that the petitioner has not denied his signature in the alleged cheques during the initial questioning and 313 Cr.P.C. questioning. Considering these aspects, the trial Court had dismissed the petition.

6.On the submission and perusal of the materials, this Court finds no reason to interfere with the well reasoned order of the Trial Court. Hence, this Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

22.01.2024

Index : Yes/No
Internet : Yes/No
Speaking order / Non-speaking order
Neutral citation: Yes/No
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1.The Judicial Magistrate,
Fast Track Court, Hosur.

2.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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