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Crl.R.C.Nos.1181 and 1183 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.Nos.1181 and 1183 of 2024

And

Crl.M.P.Nos.9959 and 9983 of 2024

K.Mohan

... Petitioner in both the Crl.R.Cs.

Vs.

P.E.Vijaya Kumar

Rep. by its POA

Mr.P.Venkatesan

... Respondent in both the Crl.R.Cs.

Common Prayer:

Criminal Revision Cases filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order passed by the learned Metropolitan Magistrate Fast Track Court – III, Saidapet, Chennai – 600 015 in Crl.M.P.Nos.16683 and 16685 of 2023 in C.C.Nos.1759 and 1758 of 2019 respectively, on 25.03.2024 and to send the original letter marked as Ex.P3 by the complainant with signature available in Ex.P4 for getting expert evidence as to the authenticity of signature in Ex.P3.

For Petitioner : Mr.V.Ramamurthy

For Respondent : Mr.M.Deivanandam



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COMMON ORDER

The criminal revision cases have been filed seeking to set aside the order passed by the learned Metropolitan Magistrate, Fast Track Court – III, Saidapet, Chennai in Crl.M.P.Nos.16683 and 16685 of 2023 in C.C.Nos.1759 and 1758 of 2019 respectively, dated 25.03.2024.

2.The learned counsel for the petitioner submitted that the petitioner is the accused in C.C.Nos.1759 and 1758 of 2019 respectively and he filed petitions under Section 45 of the Indian Evidence Act in Crl.M.P.Nos.16683 and 16685 of 2023 respectively, seeking to send the original execution letter which is marked as Ex.P3 and Ex.P4 cheque for expert opinion and the learned Metropolitan Magistrate, Fast Track Court – III, Saidapet, Chennai dismissed the said petitions.

3.The learned counsel for the petitioner further submitted that the petitioner is denying the signature in the original execution letter which is marked as Ex.P3 alone and prayed this Court to issue direction to the trial Court to send Ex.P3 for comparing the signature in



Crl.R.C.Nos.1181 and 1183 of 2024

Ex.P3 with the admitted signature in the title deed and to obtain Expert opinion by fixing an outer time limit.

4.The learned counsel appearing for the respondent submitted that this Court may fix outer time limit for getting Expert opinion and direct the petitioner to produce the title deed which was executed prior to the institution of the complaint under Section 138 of the Negotiable Instruments Act along with the original execution letter which is marked as Ex.P3 to get the Expert opinion.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

6.Considering the submissions made on either side, this Court directs the petitioner to produce the title deed which was executed prior to the institution of C.C.Nos.1759 and 1758 of 2019 respectively before the trial Court. Upon production of the same by the petitioner, the learned Metropolitan Magistrate, Fast Track Court – III, Saidapet, Chennai, shall send the title deed and original execution letter which is marked as Ex.P3 in C.C.Nos.1759 and 1758 of 2019 respectively for



Crl.R.C.Nos.1181 and 1183 of 2024

comparison of signature to an Expert, within a period of one week from the date of receipt of a copy of this order. The concerned Expert shall render opinion, within a period of three weeks thereafter. After obtaining the Expert's opinion, the trial Court shall dispose of C.C.Nos.1759 and 1758 of 2019 respectively, as expeditiously as possible.

7.These criminal revision cases are allowed on the above terms. Consequently, the connected miscellaneous petitions are closed.

24.07.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Metropolitan Magistrate,
Fast Track Court – III,
Saidapet, Chennai.



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Crl.R.C.Nos.1181 and 1183 of 2024

M.DHANDAPANI,J.
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24.07.2024