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Crl.R.C.No.1017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Crl.R.C.No.1017 of 2024

and

Crl.M.P.No.8640 of 2024

S.Raja

... Petitioner

Vs.

Balamurugan

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 of Cr.P.C, as against the order dated 29.05.2024 made in Crl.M.P.No.689 of 2023 in S.T.C.No.67 of 2018 on the file of the learned Judicial Magistrate No.II, Sankari.

For Petitioner : Mr.W.Camyles Gandhi

ORDER

This Criminal Revision Case is filed against the order passed in Crl.M.P.No.689 of 2023 in S.T.C.No.67 of 2018 dated 29.05.2024 on the file of the learned Judicial Magistrate No.II, Sankari.



2. The case of the petitioner is that the petitioner was implicated for the offence u/s 138 of the Negotiable Instruments Act, 1881 (in short 'the N.I. Act') in S.T.C.No.67 of 2018. At the time of trial, the petitioner filed a petition u/s 45 of Indian Evidence Act in C.M.P.No.689 of 2023 in S.T.C.No.67 of 2018 before the learned Judicial Magistrate No.II, Sankari for comparison of sign found in the cheque with the admitted signature of the respondent and send the cheque to forensic lab for expert opinion. However, the said petition was dismissed by the trial court vide impugned order dated 29.05.2024. Challenging the same, the petitioner has filed the present revision.

3. The learned counsel appearing for the petitioner submitted that sending the cheque for comparison of the signature will not deprive the rights of the respondent. However, without any proper adjudication, the trial court dismissed the petition filed by the petitioner, which is wholly unsustainable. Accordingly, he prays for appropriate orders.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. A perusal of the entire records reveals that the alleged cheque was



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issued on 25.09.2017 and a case in S.T.C.No.67 of 2018 was filed against the petitioner/accused for the offence u/s 138 of N.I. Act. In the present case, the petitioner did not dispute the signature contained in the instrument, however, in respect of the other columns filled in the cheque, he wants to sent the instrument for expert opinion, which is not a matter of comparison of signature. If the petitioner takes a stand that the signature in the instrument itself does not belong to him, which was signed by some other person, then he should have raised objection at the initial stage itself. Hence, once he admitted the signature, there is no need for sending the instrument for expert opinion, which was properly adjudicated by the trial court and dismissed the petition filed by the petitioner, which cannot be interfered with.

6. Accordingly, this Criminal Revision Case is dismissed.

Consequently, the connected criminal miscellaneous petition is closed.

19.06.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

M.DHANDAPANI, J.



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To

The Judicial Magistrate No.II, Sankari.

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