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Crl.O.P.No.15286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

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THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.15286 of 2024

and

Crl.M.P.No.9354 of 2024

F.Veniila Fernandaz

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
CCB Team-1,
Vepery,
Chennai-600 007.
[Crime No.221 of 2017]

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to set aside the order dated 03.04.2024 passed in Crl.M.P.No.43302 of 2023 in C.C.No.1251 of 2018 on the file of the learned Metropolitan Magistrate Court, CCB & CBCID Special Court, Egmore, Chennai.

For Petitioner : Mr.K.Bhoopathy Rajan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

The petitioner herein is the accused in C.C.No.1251 of 2018 pending on the file of the Metropolitan Magistrate Court, CCB & CBCID, Egmore, Chennai.

2. For comparing the signature with the disputed documents, earlier she approached this Court and got favourable order. Pursuant to the order of the High Court, the Magistrate has directed the Investigating Officer to collect the admitted signature of the petitioner and send it for comparison with the disputed documents. However, the Investigating Officer was not able to comply the order and not able to get expert opinion, since he was not able to collect the contemporaneous document of the admitted signature of the petitioner executed between 2012 to 2015. When he requested Karur Vysya Bank to furnish the specimen signature, they have informed the Investigating Officer that the petitioner/accused has opened the account only in the year 2018 and therefore they are not in possession of contemporary document executed during 2012 to 2015.

3. In the said circumstances, the petition was closed knowing



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that the accused had taken out an application in CrI.M.P.No.43302 of 2023 requesting the Court to call for the records of saving account from M/s.Vijaya Bank, now Bank of Baroda, Jawahar Nagar branch and Indian Bank, Jawahar Nagar branch which was opened by the petitioner prior to 2012 and specimen signature of her contemporaneous writing and signature are very much available in the bank record.

4. This Court finds that the trial Court not taking note of change in circumstances. New facts brought to the Court for seeking comparison of the disputed documents with the admitted documents and dismissed the application stating that already the petitioner has filed application for the same relief and the same was disposed of. Therefore, the second petition seeking the same relief is not maintainable for the reasons stated above.

5. This Court is of the view that the petitioner has made out a new facts to revive her application seeking for comparison and if contemporary document executed by the petitioner during the year 2012 to 2015 is available in different source namely Vijaya Bank and Indian Bank of Jawahar Nagar branch, then it is the duty of the Investigating



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Officer to collect those documents and sent it for comparison and get a report. Hence, this Criminal Original Petition is allowed. The order passed by the Special Court CCB-CBCID, Egmore, Chennai is hereby set aside. The prayer sought in CrI.M.P.No.43302 of 2023 is allowed. The Investigating Officer is directed to collect the specimen signature and writings available in those two documents and sent it for comparison and get report. Consequently, the connected Criminal Miscellaneous Petition is closed.

01.07.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Metropolitan Magistrate Court, CCB & CBCID Special Court,
Egmore, Chennai.

2.The Inspector of Police,
CCB Team-1,
Vepery,
Chennai-600 007.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

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