



Crl.R.C.No.1478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1478 of 2024 and
Crl.M.P.No.12433 of 2024

R.Vetrivel

... Petitioner

Vs.

R.Mohana Sundaram

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records in Crl.M.P.No.9039 of 2023 in S.T.C.No.8421 of 2021 dated 14.06.2024 on the file of the Judicial Magistrate No.IV, Salem and set aside the same and allow this revision petition.

For Petitioner : Dr.A.Thiyagarajan, Senior Counsel
for Mr.K.M.Jayapal

ORDER

The petitioner/accused in a complaint under Section 138 of the Negotiable Instruments Act, 1881 in S.T.C.No.8241 of 2021 has filed a petition before the learned Judicial Magistrate No.IV, Salem in Crl.M.P.No.9039 of



2023 in S.T.C.No.8241 of 2021 to send the cheque in question for forensic expert to compare signature of the petitioner with the cancellation of sale agreement, dated 02.09.2019 in document No.5592 of 2019. The learned Magistrate *vide* impugned order, dated 14.06.2024 dismissed the petition for the reason that the case is now pending for defence evidence and there is no supporting materials in support of the petition as on date. Challenging the same, the present criminal revision case is filed.

2.The learned Senior Counsel appearing for the petitioner submits that the specific case of the petitioner is that the petitioner's signature has been forged and in the cheque which was stealthily removed from the petitioner, an amount of Rs.10,00,000/- filled up and false case filed against him. He further submits that on 21.11.2019, a promissory note was executed at the instance of one Ganesan. The respondent/complainant was also questioned with regard to his capability to extend such huge amount as loan. The specific case of the petitioner is that the petitioner entered into an agreement on 20.09.2019 with the complainant's brother *viz.*, Ganesan and document No.5592 of 2019 on the file of the Sub Registrar Officer, Dadagapatthy. This document has to be sent for comparison of the signature found in the document as well as in the cheque which would prove the forgery of the petitioner's signature. But the Lower



Crl.R.C.No.1478 of 2024

Court failed to consider the same and dismissed the petition.

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3.Considering the submissions and on perusal of the materials, in this case on the witnesses so far examined, it is seen that this document has not come on record and the case is at the defence stage. Hence, it is for the petitioner to examine himself in support of his contention, make out the case, bring the document on record and thereafter the Court can consider the petitioner's contention.

4.In view of the above, this Court is not inclined to interfere with the impugned order, dated 14.06.2024 in Crl.M.P.No.9039 of 2023 in S.T.C.No.8241 of 2021 passed by the learned Judicial Magistrate No.IV, Salem and the same is confirmed. Accordingly, this criminal revision case stands dismissed. Consequently, connected miscellaneous petition is closed.

10.09.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes/No

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Crl.R.C.No.1478 of 2024

M.NIRMAL KUMAR, J.

vv2

To

The Judicial Magistrate No.IV,
Salem.

Crl.R.C.No.1478 of 2024

10.09.2024