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Criminal Original Petition No.22137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.22137 of 2023

and

CRL.MP.No.15393 of 2023

Sridevi

... Petitioner

Vs.

Natarajan

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order passed in Crl.M.P.No.1973/2023 in STC No.135/2022 dated 07.09.2023 on the file of the Fast Track at Magistrate Level, Tiruvallur and direct the Learned Fast Track Magistrate to send the cheque along with petitioner admitted signature to the hand writing expert for verification.

For Petitioner : Mr.M.Rajkumar

For Respondent : Mr.K.Venkatasubbasan
for Mr.M.S.Swathish Kumar



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ORDER

This petition has been filed challenging the order passed by the Court below in CrI.M.P.No.1973 of 2023 in STC No.135 of 2022 dated 07.09.2023 dismissing the application filed under Section 45 of the Indian Evidence Act to send the cheques for expert verification.

2. Heard Mr.M.Rajkumar, learned Counsel for the petitioner and Mr.K.Venkatasubbasan for Mr.M.S.Swathish Kumar, learned counsel for the respondent.

3. The petitioner is facing Trial before the Court below for the offence under Section 138 of the Negotiable Instruments Act. In the instant case, the cheque was dishonored with an endorsement “drawers signature differs”. PW2 who is the manager of the bank, in his evidence has categorically stated that the cheque was returned because the drawer had signed with her initial. Therefore, the signature differs only on that limited ground that the signature was prefixed with an initial “S”.



4. The Court below has properly appreciated the claims made by the parties and has come to a conclusion that the cheque need not be send for an expert opinion.

5. The order passed by the court below does not suffer from any illegality or infirmity. Whatever defense is sought to be taken by the petitioner, can be taken and the same will be dealt with on its own merits and in accordance with law.

6. In the result, with the above directions and observations, this criminal original petition stands dismissed. There shall be a direction to the Court below to dispose of the proceedings in STC.No.135 of 2022 within a period of 3 months from the date of receipt of copy of this order. Connected criminal miscellaneous petition stands closed.

20.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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Criminal Original Petition No.22137 of 2023

N.ANAND VENKATESH, J.

nst

To:

1. The learned Fast Track Magistrate Level, Tiruvallur.
2. The Public Prosecutor,
High Court, Madras.

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and
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