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Crl.R.C.No.1981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1981 of 2024

Velumani

... Petitioner

Vs.

Venkatesan

... Respondent

PRAYER: Criminal Revision Case filed under Section 438 r/w. 442 of BNSS to set aside the order of dismissal dated 23.10.2024 made in S.T.C.No.187 of 2013 on the file of the Judicial Magistrate No.1, Arakonam.

For Petitioner : Mr.T.N.Rangeshkanna

ORDER

The revision challenges the order passed by the learned Magistrate dismissing the petitioner's application filed under Section 294 Cr.P.C. to mark his passport. The petitioner is facing prosecution under Section 138



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of the Negotiable Instruments Act and sought to mark his passport under Section 294 Cr.P.C. in order to establish that he was not in the Country when the cheque is said to have been issued by him.

2. Section 294 Cr.P.C. makes it very clear that when the genuineness of any document is not disputed, such document may be read in evidence in any enquiry, trial or other proceedings under the Court. However, admittedly the respondent had disputed the genuineness of the said document. In such circumstances, the said document cannot be marked under Section 294 Cr.P.C. Therefore, there is no infirmity in the order of the learned Magistrate in dismissing the petitioner's application and hence, this Court finds that no interference is called for. Accordingly, the Criminal Revision stands dismissed.

19.11.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No

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SUNDER MOHAN, J.

cse

To

The Judicial Magistrate No.1,
Arakonam.

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