



Crl.R.C.(MD) No.233 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.233 of 2024

and

Crl.M.P(MD) No.2609 of 2024

Baskaran

...Petitioner

Vs.

The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
Crime No.408 of 2016.

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the impugned order in Crl.M.P.No.3385 of 2023 in C.C.No. 46 of 2017 on the file of the learned Judicial Magistrate, Theni dated 28.11.2023 and set aside the same.



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For Petitioner : Mr.J.Selvam

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed challenging the order passed by the learned Judicial Magistrate, Theni, in Crl.M.P.No.3385 of 2023 in C.C.No.46 of 2017, dated 28.11.2023.

2. Learned counsel for the revision petitioner submits that during cross-examination, P.W.1/complainant categorically admitted the fact that he only wrote the complaint and also deposed that the handwriting on the complaint (Ex.P1) and the handwriting on all statements recorded under Section 161(3) of Cr.P.C. are one and the same. Therefore, to find out the veracity of P.W.1, the petitioner has filed an application seeking discharge under Section 239 of Cr.P.C. The learned Magistrate, by order dated 28.11.2023 rejected the application. Aggrieved over the same, the present revision has been filed by the petitioner.



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3. Per contra, learned Additional Public Prosecutor submits that no useful purpose will be served by referring the documents for comparison to the Handwriting Experts. Moreover, the complainant could have made a complaint orally and that itself cannot be a reason to compare the handwriting of the documents, since it is not a material issue.

4. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent police.

5. As rightly contended by the learned Additional Public Prosecutor, even if the alleged documents are sent for comparison to handwriting expert, no useful purpose would be served to benefit the case of the petitioner and further, it has to be decided on merits and by perusing the other available documents. Therefore, this Court is not inclined to interfere with the order dated 28.11.2023 passed by the learned Judicial Magistrate, Theni.

6. Accordingly, this criminal revision stands dismissed, confirming the order passed by the learned Judicial Magistrate, Theni in Crl.M.P.No.



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3385 of 2023 in C.C.No.46 of 2017 dated 28.11.2023. Consequently, the connected miscellaneous petition is closed.

01.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

PKN

To

1. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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VIVEK KUMAR SINGH, J.

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