



CrI.R.C(MD).No.304 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.07.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C(MD)No.304 of 2024
and
CrI.M.P(MD).No.3432 of 2024

Kuberan

... Petitioner

Vs.

Dakshinamurthy

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order passed in CrI.M.P.No.699 of 2023 in C.A.No.181 of 2023 on the file of the learned II Additional District and Sessions Judge, Thanjavur and set aside the order dated 06.01.2024 and allow the Criminal Revision Petition .

For Petitioner : Mr.P.Vadivel



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ORDER

This Criminal Revision Case has been filed to call for the records relating to the order passed in Crl.M.P.No.699 of 2023 in C.A.No.181 of 2023 on the file of the learned II Additional District and Sessions Judge, Thanjavur and set aside the order dated 06.01.2024 and allow the Criminal Revision Petition.

2. The respondent herein filed a complaint under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate, Thanjavur in S.T.C.No.689 of 2021 against the petitioner. After full trial, the learned judge convicted the petitioner and ordered to pay a compensation. Challenging the same, the petitioner has filed an appeal in C.A.No.181 of 2023 on the file of the learned II Additional District and Sessions Judge, Thanjavur. While pending the appeal, the petitioner has filed an application under Section 391 of Cr.P.C., to examine the Bank Manager of Indian Overseas Bank, Budhalur Branch, as his additional evidence. On 06.01.2024, the learned Appellate Court dismissed the application by holding that the petitioner cannot permit to examine the Bank Manager of Indian Overseas Bank, Budhalur Branch and adduce additional evidence at the appellate stage. Challenging the same, the present revision



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petition has been filed.

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3. The learned counsel for the petitioner submitted that the petitioner specifically denied the signature in the cheque. Hence, he filed a petition to establish the said fact under Section 391 of Cr.P.C. He further submitted that during the trial process, the petitioner has filed a petition for the very same relief and the same was dismissed.

4. This Court considered the submission of the learned counsel for the petitioner and also perused the impugned order.

5. A perusal of the records shows that on the earlier occasion also the petitioner has filed a petition for the very same relief and the same was dismissed. Again for the very same relief, the petitioner has filed the present petition and same was correctly dismissed by the learned Appellate Judge. The petitioner has filed the present petition without any valid reason and hence, this Court declines to accept the submission of the learned counsel appearing for the petitioner to entertain this criminal revision petition.



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6. In view of the above, this Court does not find any merits in this case accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

16.07.2024

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

To

- 1.The II Additional District and Sessions Court,
Thanjavur.
- 2.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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