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CRL.R.C.(MD).No.743 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD)No.743 of 2024

Lavanya

: Petitioner/Petitioner/
Accused

Vs.

Mohammed Farook Jinna

: Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 438 and 442 Bharatiya Nagarik Suraksha Sanhita 2023, to call for the records of the impugned order passed in Cr.M.P.No.4937 of 2024 in S.T.C. No.357 of 2022 on the file of the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level) Madurai, dated 20.06.2024 and set aside the same.

For Petitioner : Mr.R.J.Karthick

ORDER

The Criminal Revision Case is directed against the order, dated 20.06.2024 in Cr.M.P.No.4937 of 2024 in S.T.C.No.357 of 2022 on the file of the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level) Madurai, dismissing the petition filed under Section 45 r/w 73 of Indian Evidence Act.



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2. The respondent has filed a complaint under Section 200 Cr.P.C., against the petitioner for the offence under Section 138 of Negotiable Instruments Act and the case was taken on file in S.T.C.No.357 of 2022.

3. It is evident from the records that the complainant side evidence was already over and when the case was pending for defence evidence, the above application came to be filed. The main contention of the petitioner is that since she is disputing her signature in the alleged cheque, the same has to be sent for expert opinion for comparison.

4. The learned counsel for the petitioner would submit that the misplaced cheque has been utilized by the respondent and he would admit that the signed cheque was misplaced. If that be so, this Court is at loss to understand the purpose for sending the cheque for expert opinion.

5. As rightly pointed out by the learned trial Judge, the above petition has been filed only to drag on the matter. Considering the above, the impugned order, dismissing the petition cannot be found fault with. Hence, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.



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6. In the result, the Criminal Revision Case is dismissed.

06.08.2024

NCC : yes/No

Index : yes/No

Internet : yes/No
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To

The Judicial Magistrate No.II,
Fast Track Court (Magisterial Level)
Madurai.



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K.MURALI SHANKAR, J.

DAS

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