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Crl.O.P.(MD)No.16212 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C(MD)No.926 of 2024

Tamilarasi

: Petitioner

Vs.

K.Nallasivam

: Respondent

PRAYER : Criminal Revision Petition has been filed under Sections 438 and 442 of BNSS, to set aside the order passed by the learned Judicial Magistrate (Fast Tract Court at Magisterial Level at Karur), Karur in M.P.No.12 of 2024 in C.C.No.493 of 2017, dated 14.08.2024.

For Petitioner : Mr.P.Samuel Gunasing

ORDER

This Criminal Revision Petition is directed against the order passed in M.P.No.12 of 2024 in C.C.No.493 of 2027, dated 14.08.2024 on the file of the learned Judicial Magistrate (Fast Track Court at Magisterial Level) at Karur, dismissing the petition filed under Section 45 of Indian Evidence Act.



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2. The respondent/complainant has filed a private complaint under Section 200 Cr.P.C., against the petitioner for the alleged offence under Section 138 of NI Act.

3. It is not in dispute that the petitioner has filed an application under Section 45 of Indian Evidence Act, sending the disputed cheque and the Mortgage deed, dated 11.07.2024 to handwriting experts for comparison of signature and for getting expert opinion in M.P.(MD)No.12 of 2024.

4. The learned trial Judge, by observing that the case is pending from 2017 onwards, the present application under Section 45 of Indian Evidence Act came to be filed in the year 2024 after inordinate delay and that the petitioner has not shown any foundational facts to send the cheque for comparison, has rightly dismissed the petition.

5. Considering the facts and circumstances of the case, the impugned order dismissing the petition under Section 45 of Indian



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Evidence Act cannot be found fault with. Hence, this Court concludes that the Criminal Revision case is liable to be dismissed.

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

26.09.2024

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

1.The Judicial Magistrate,
(Fast Track Court at Magisterial Level)
Karur.



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K.MURALI SHANKAR,J.

DAS

Order made in
Crl.RC(MD)No.926 of 2024

Dated: 26.09.2024