



WEB COPY

CRL RC No. 2205 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC Nos. 2205 & 2206 of 2025

and

CrIMP.Nos.20201 & 20207 of 2025

1. Kuppuraj

S/o.Kaliappan, No.67/53, Jawahar
Nagar, Dharapuram Taluk, Tiruppur
District.

Petitioner(s) in both

Vs

1. MANIKANDAN

S/o.Mayavan, No.277/1, Ramnagar,
Alangiyam Road, Dharapuram Taluk,
Tiruppur District.

Respondent(s) in both

PRAYER in CrI.R.C.No.2205 of 2025

Criminal Revision Case filed under Section 438 & 442 of BNSS, praying to set aside the Order dated 21.02.2024 made in CrI.M.P.No.61 of 2024 in STC.No.290 of 2020, on the file of the Judicial Magistrate, Dharapuram.

PRAYER in CrI.R.C.No.2206 of 2025

Criminal Revision Case filed under Section 438 & 442 of BNSS, praying to set aside the Order dated 21.02.2024 made in CrI.M.P.No.62 of 2024 in STC.No.290 of 2020, on the file of the Judicial Magistrate, Dharapuram.



For Petitioner(s): Mr.J.Jayan

ORDER

The petitioner has filed these Criminal Revision cases to set aside the Order dated 21.02.2024 made in Crl.M.P.No.61 & 62 of 2024, respectively, in STC.No.290 of 2020, on the file of the Judicial Magistrate, Dharapuram.

2. Before the trial Court, the petitioner filed an applications seeking to send the alleged cheque for expert opinion with regard to the disputed signature found therein. The petitioner contended that the signature on the said cheque was not his and that it had been forged. Therefore, he sought a direction from the trial Court to send the disputed cheque for expert examination by comparing the signature found on the cheque with his genuine signature available in the attendance register maintained by the Dharapuram Municipality, where he was employed as a cleaner.



3. However, the learned trial Judge dismissed the said application, holding that it had been filed only with an intention to drag on the proceedings and that such a defence had already been raised at an earlier stage. It was further observed that the issue regarding the signature was raised only at the time of cross-examination. Accordingly, the petition was dismissed.

4. The learned counsel for the petitioner submitted that the petitioner was employed as a cleaner in the Dharapuram Municipality and that his signature, being that of an illiterate person, is totally different from the signature found on the alleged cheque. To prove this, he relied upon the attendance register containing his genuine signatures. However, the trial Court, without affording an adequate opportunity, erroneously dismissed the petitions. Hence, the learned counsel prays to allow these petitions.

5. Admittedly, though the Court is empowered to compare the disputed signatures under Section 73 of the Indian Evidence Act, the learned trial Judge failed to exercise such power. The petitioner has produced valid records to



substantiate his defence regarding the alleged cheque. If an opportunity is not afforded to him, his valuable right to defend the case will be defeated.

6. Therefore, this Court is inclined to set aside the findings of the learned Judicial Magistrate, Dharapuram, passed in CrI.M.P.No.61 and 62 of 2024 in STC.No.290 of 2020, dated 21.02.2024, respectively. The disputed cheque, along with the attendance register containing the petitioner's signatures for the period from 2019 to 2021, is directed to be sent for expert opinion within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, these Criminal Revision cases are allowed. Consequently, the connected miscellaneous petitions are closed.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate, Dharapuram.



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T.V.THAMILSELVI J.
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&2206 of 2025**

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