



Crl.O.P.No.2924 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2924 of 2025

and

Crl.M.P.No.1966 of 2025

S.Shanthi

... Petitioner

Vs

Kosalraman

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.S.S. to set aside the dismissal order dated on 13.02.2024 passed by the Principal Sessions Judge, Chennai in Crl.R.C.No.158 of 2023 confirming the order passed by the Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai order dated 27.09.2023 in Crl.M.P.No.13202 of 2023 in C.C.No.4047 of 2016.

For Petitioner : Mr. J.William Shakesphere



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ORDER

This Petition has been filed challenging the order passed by the Principal Sessions Judge, Chennai in Crl.R.C.No.158 of 2023, dated 13.02.2024, thereby confirming the order passed by the Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai in Crl.M.P.No.13202 of 2023 in C.C.No.4047 of 2016, dated 27.09.2023, thereby dismissing the petition filed by the petitioner under Section 45 of the Indian Evidence Act (hereinafter referred to as 'the Act' for short) to send all the exhibits for expert opinion.

2. The respondent is the complainant and filed a complaint for the offences punishable under Section 138 of the Negotiable Instruments Act, in which the petitioner is an accused.

3. The case of the respondent is that the petitioner borrowed a sum of Rs.50,00,000/- and assured to return the same with interest. In terms of repaying the said loan amount with interest, the petitioner had issued a



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cheque for a sum of Rs.52,00,000/-. The said cheque was presented for collection and returned dishonoured. Therefore, the respondent filed a complaint. After a period of seven years from the date of taking cognizance of the complaint, the petitioner filed a petition under Section 45 of the Act to send the cheque for forensic expert opinion.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of the records, it reveals that when the above trial reached its final stage, at that juncture, the petitioner had filed this petition. That apart, on a perusal of the cheque, it reveals that though there is correction in the wordings of the cheque, there is no correction in the numbers mentioning Rs.52,00,000/-. Therefore, both the Courts below rightly dismissed the petitions, and this Court finds no infirmity or illegality in the orders passed by the Trial Courts.



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6. In the result, this Criminal Original Petition is dismissed.

However, the Trial Court is directed to dispose of C.C.No.4047 of 2016 within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

06.02.2025

Index:Yes/No
Neutral Citation/Yes/No
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To

1. The Principal Sessions Court,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court-V,
Saidapet,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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