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Crl.RC.No.778 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.778 of 2025

R.Santhakumar

...Petitioner

Vs.

K.Thanaprakash

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 and 442 of BNSS, 2023, to set aside the order dated 25.03.2025 passed in C.M.P.No.385 of 2025 in STC No.2153 of 2023 on the file of the Judicial Magistrate No.I, Tirupattur, Tirupattur District and consequently direct that the handwriting in the disputed cheque be sent for expert comparison with the petitioner's admitted handwriting and thus allow the above Criminal Revision Petition.

For Petitioner : Mr.R.Parthiban



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ORDER

WEB COPY This Criminal Revision has been filed as against the order dated 25.03.2025 passed in C.M.P.No.385 of 2025 in STC No.2153 of 2023 on the file of the Judicial Magistrate No.I, Tirupattur, Tirupattur District thereby dismissing the application filed under Section 266 BNSS to send the cheque for handwriting expert opinion.

2. The petitioner is an accused in a complaint lodged by the respondent for the offence under Section 138 of NI Act. Pending trial, the petitioner filed an application to send the cheque for handwriting expert opinion on the ground that the petitioner did not issue the cheque and his account itself has been closed long back. Therefore the cheque was returned for the reason “Account blocked”. The said compliant was dismissed by the trial Court on the ground that the petitioner can very well inform the bank to establish the fact that the account was already blocked by the petitioner.

3. On perusal of the records revealed that after receipt of the statutory notice, the petitioner did not even chose to send any reply notice denying the signature found in cheque and also the cheque was stolen and presented for



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collection. However, the petitioner can very well examine the bank as his defense side witness, before the trial Court. Therefore the trial Court has rightly dismissed the petition and this Court finds no illegality or infirmity in the order passed by the trial Court.

4. Accordingly, this Criminal Revision Case is dismissed.

16.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
bkn

To
1. Judicial Magistrate No.I, Tirupattur, Tirupattur District



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G.K.ILANTHIRAIYAN, J.

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