



Crl.R.C.No.1289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1289 of 2025
and Crl.M.P No.14842 of 2025

P.Nithya

... Petitioner

Vs.

K.Annadurai @ Perumal

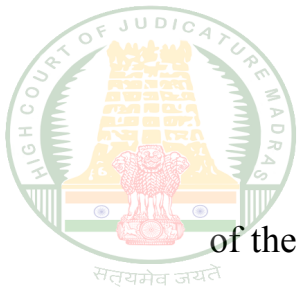
... Respondent

PRAYER: Criminal Revision filed under Section 438 r/w S.442 of the Bharathiya Nagarik Suraksha Sanhita, 2023 to aside the impugned order dated 25.03.2025 passed in Crl.M.P No.107 of 2023 in Crl.A.No.163 of 2023 by the III Additional District and Sessions Court at Gobichettipalayam.

For Petitioner : Mr.G.Aswath

ORDER

This criminal revision has been preferred as against the order passed in Crl.M.P No.107 of 2023 in Crl.A.No.163 of 2023 dated 25.03.2025, by the learned III Additional District and Sessions Judge, Gobichettipalayam, thereby dismissed the petition filed under Section 45



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of the Indian Evidence Act, sought for handwriting expert opinion on the signature found in the cheque and collection memo.

2.The petitioner is the accused for the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. After the full-fledged trial, the petitioner was convicted by the trial Court/ Judicial Magistrate No.I, Gobichettipalayam, by a judgment dated 28.03.2023 passed in S.T.C No.408 of 2018. Aggrieved by the same, the petitioner had preferred an appeal in Crl.A.No.163 of 2023 before the III Additional District and Sessions Judge, Gobichettipalayam. While pending appeal, the petitioner had filed an application under Section 45 of Indian Evidence Act, seeking handwriting expert opinion on the signature found in the cheque and collection memo, on the ground that the petitioner is disputing the signature. The respondent filed the complaint in the year 2018 and the trial was pending for 5 years. However, the petitioner did not take any step to send the cheque for any handwriting expert opinion. In fact, the petitioner did not whisper about the disputed signature during the cross examination of PW1. Further, on receipt of the legal notice, the petitioner has also failed to reply. Therefore, in the appeal, that too, at



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the time of argument, the petitioner has filed a petition disputing her signature found in the cheque. Hence, the Appellate Court had rightly dismissed the petition filed by the petitioner and there is no infirmity or illegality in the order passed by the Appellate Court.

3. Accordingly, this Criminal Revision is dismissed.
Consequently, connected miscellaneous petition is closed.

01.8.2025

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

To

1. The III Additional District and Sessions Court at Gobichettipalayam.
2. The Judicial Magistrate No.I, Gobichettipalayam,



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G.K.ILANTHIRAIYAN, J.
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