



Crl.R.C.No.1164 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2025

CORAM:

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

Crl.R.C.No.1164 of 2025
and Crl.M.P.No.14295 of 2025

M.Sundar

..... Petitioner

Vs

S.A.Mohammed Mohideen

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.4060 of 2025 in C.C.No.227 of 2019, dated 04.07.2025, of III Metropolitan Magistrate, George town, Chennai.

For Petitioner : Mr.M.Ashok

ORDER

This Criminal Revision has been preferred as against the order dated 04.07.2025 passed in Crl.M.P.No.4060 of 2025 in C.C.No.227 of 2019 on the file of the learned III Metropolitan Magistrate, George town, Chennai thereby dismissing the petition filed under Section 45 of Indian Evidence Act.

2. The petitioner is the accused in the complaint lodged by the



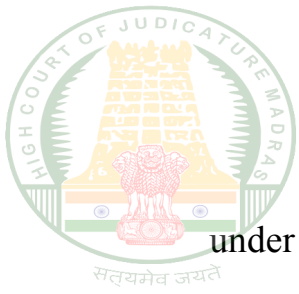
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respondent for the offence under Section 138 of Negotiable Instruments

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Act. When the matter was posted for arguments, the petitioner has come forward with the present revision aggrieved by the order passed by the trial court rejecting his claim to send Ex.P1 (cheque), Ex.P4 (Document dated 17.08.2018) & Ex.P15 (Cheque record slip) for handwriting expert opinion under Section 45 of the Indian Evidence Act.

3. It is seen from the records that C.C.No.227 of 2019 is of the year 2019, the petitioner having kept quiet for six years, had filed this petition only to drag on the proceedings. However, a perusal of the records reveals that after the receipt of statutory notice as contemplated under Section 138 of Negotiable Instruments Act, the petitioner failed to reply and rebut the initial presumption. Further, insofar as Ex.P4 (Document dated 17.08.2018) & Ex.P15 (Cheque Record Slip) is concerned, the Record slip contains no words except the word “Ananchi”. In order to compare the letters, there is no other admitted documents to question the Ex.P1 (Cheque). Without admitted document to the contemporary period, comparing written words are impossible. That apart, the petition was filed at the fag end of the trial to drag on the proceedings. Therefore, the trial court rightly dismissed the petition filed



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under Section 45 of Indian Evidence Act.

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4. In view of the above, this Court finds no infirmity or illegality in the order dated 04.07.2025 passed by the learned III Metropolitan Magistrate Court, George Town, Chennai in Crl.M.P.No.4060 of 2025.

5. Accordingly, this Criminal Revision case stands dismissed. Consequently, the connected Miscellaneous Petition is closed.

24.07.2025

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

Nhs

To

The learned III Metropolitan Magistrate Court,
George Town, Chennai.



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G.K.ILANTHIRAIYAN, J.

Nhs

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