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CRL RC No. 2136 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 2136 of 2024

and

CrI.M.P.No.5382 of 2025

SILAMBARASI

W/o.Nagaprabhu, No.1/a, Valluvar
Street, Harikrishnapuram, Manali,
Chennai - 600 068.

Petitioner(s)

Vs

LAKSHMI

W/o.Dasarathan, No.29, Sir C.V.
Raman Street, Manali, Chennai - 600
068.

Respondent(s)

PRAYER: This Criminal Revision Petition filed under Section 438 read with 442 of BNSS 2023, to set aside the order dated 22.10.2024 made in CrI.M.P.No.3736 of 2023 in S.T.C.No.155 of 2020 on the file of the learned Judicial Magistrate, Thiruvottiyur.

For Petitioner(s): Mr.R. Dhamodaran



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For Respondent(s):

Mr.S.Arockiaraj, Legal Aid
Counsel For Respondent

ORDER

This Criminal Revision Petition has been filed set aside the order dated 22.10.2024 made in Crl.M.P.No.3736 of 2023 in S.T.C.No.155 of 2020 on the file of the learned Judicial Magistrate, Thiruvottiyur.

2. Heard the learned counsel appearing for the petitioner and the learned Legal Aid Counsel appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioner/accused submitted that the respondent/complainant admitted her signature in the complaint. During cross-examination the respondent/complainant denied her signature in Ex.R2. The establishment of existence of the said document is very much necessary to rebut



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The petitioner/accused has filed a petition in Crl.M.P.No.3736 of 2023 under Section 45 of Indian Evidence Act, seeking comparison of disputed signature found in Ex.R2 with the admitted signature in the complaint for forensic handwriting expert opinion. The learned Magistrate dismissed the same vide impugned order dated 22.10.2024. Aggrieved by the same the petitioner has filed this criminal revision petition.

4. Admittedly, the petitioner is the accused and the respondent is the complainant in the case in S.T.C.No.155 of 2020 on the file of the Judicial Magistrate Court, Thiruvottiyur. The petitioner/accused herein had filed a petition in Crl.M.P.No.3736 of 2023 under Section 45 of Indian Evidence Act, seeking comparison of disputed signature found in Ex.R2 with the admitted signature in the complaint for forensic handwriting expert opinion. In order to prove the petitioner's innocence/ preponderance of probabilities of defence, comparison of signatures is absolutely necessary. Hence, the impugned order dated 22.10.2024 passed in M.P.No.3736 of 2023 in S.T.C.No.155 of 2020 by the learned Judicial Magistrate, Thiruvottiyur is set aside. The learned



Magistrate is directed to send the signatures found in Ex.R2 and the complaint,
for forensic handwriting expert opinion.

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5. With the abovesaid direction, this Criminal Revision Petition is
allowed. Consequently, connected miscellaneous petition is closed.

19-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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The Judicial Magistrate, Thiruvottiyur.



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P.VELMURUGAN J

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