



Crl.RC.No.1036 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

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

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Chandrasekar

...Petitioner

Vs.

S.Asokan

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C. to set aside the order passed in M.P.No.11 of 2024 in C.C.No.103 of 2019 dated 11.06.2024 by the Judicial Magistrate No.II, Namakkal.

For Petitioner : Mr.J.Ramesh

For Respondent : Mr.S.P.Yuvaraj



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ORDER

WEB COPY This Criminal Revision has been filed against the order passed in M.P.No.11 of 2024 in C.C.No.103 of 2019 dated 11.06.2024 by the Judicial Magistrate No.II, Namakkal, thereby dismissing the petition filed for seeking handwriting expert opinion on the cheque.

2. The petitioner is an accused in the complaint lodged for the offence under Section 138 NI Act. After full fledged trial, the trial Court convicted and sentenced the petitioner for the offence under Section 138 of NI Act. Aggrieved by the same the petitioner preferred an appeal and the same was allowed and the matter was remanded back to the trial Court for fresh trial. At this juncture the petitioner filed an application to send the cheque for handwriting expert's opinion on the ground that the signature found in the cheque was not that of the signature of the petitioner herein.

3. Originally the complaint was filed in STC No.3 of 2011. Thereafter the trial Court convicted the petitioner by an order dated 24.03.2017 and the appellate Court set aside the conviction imposed on the petitioner and remanded back the matter to the trial Court on 12.07.2017. Now after a



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period of nearly 13 years, the petitioner filed an application to send for the cheque for handwriting expert.

4. On a perusal of the records revealed that the petitioner did not even deny the signature and issuance of cheque during the trial in STC No.3 of 2011. The petitioner also did not issue any reply notice for the statutory notice issued by the respondent. Therefore, it is nothing but to drag the proceedings and the trial Court rightly has rightly dismissed the application. This Court finds no illegality and infirmity in the order passed by the trial Court.

5. Accordingly, this Criminal Revision Case is dismissed. The trial Court is directed to dispose the matter within a period of three months from the date of receipt of a copy of this order.

10.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

bkn

To
1. The Judicial Magistrate No.II, Namakkal.

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