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Crl.R.C.No.2718 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 11.12.2025**

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.R.C.No.2718 of 2025**

**and**

**Crl.M.P.No.23798 of 2025**

M/s.Kalyan Kumar Nandi  
Rep. By its Proprietor,  
Kusal Nandi,  
Residing at  
17/1, Natun Sarak bye Lane,  
Near Nemi Chandra Ghosh Sarani,  
Krishna Nagar, Nadia District,  
West Bengal – 741 101.

... Petitioner

Vs.

Indian Potash Limited,  
Rep. By its Chief Manager,  
Girishkumar,  
No.684/690, Anna Salai,  
Chennai, Tamil Nadu – 600 006.

...Respondent

**PRAYER:** Criminal Revision Case filed under Sections 438 and 422 of the BNSS, praying to set aside the order in Crl.M.P.No.1927 of 2025 in S.T.C.No.8980 of 2025 dated 25.11.2025 on the file of the learned XX Metropolitan Magistrate, Egmore, Allikulam, Chennai, and pass such further orders.



Crl.R.C.No.2718 of 2025

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.R.Vignesh Kumarasamy

### **ORDER**

The revision petition has been filed challenging the order passed in Crl.M.P.No.1927 of 2025 in S.T.C.No.8980 of 2025 dated 25.11.2025, dismissing the petitioner's application filed under Section 45 of the Indian Evidence Act corresponding to Section 39 of BSA. The petitioner is an accused facing prosecution under Section 138 of the Negotiable Instruments Act.

2. The petitioner had sought for comparison of the signature found in the cheque with the admitted signatures available in his passbook and PAN card. The said petition was dismissed by the Trial Court on the ground that the petitioner had admitted his signature in the reply notice marked as Ex.P9 and that the request for comparison of signature is an afterthought and intended only to delay the trial.

3. Learned counsel for the petitioner would submit that the petitioner always signs his name as "Kusal Nandi" and that there is material to show



Crl.R.C.No.2718 of 2025

that the signature found in the subject cheque is not that of the petitioner, and therefore sought for one opportunity to refer the cheque for expert comparison.

4. Mr.R.Vignesh Kumarasamy, learned counsel, who takes notice for the respondent, however, would submit that the petition has been filed at a belated stage of the trial; that the case is already posted for arguments; and that the reply notice sent by the petitioner through his counsel to the statutory notice clearly admits that the signature in the cheque is that of the petitioner. It is further submitted that the defence of the petitioner is that the cheque was issued as a signed blank cheque.

5. It is seen from the impugned order that the petition has been filed at a belated stage of the proceedings. It is also seen from the reply notice that the petitioner had stated that his signature was obtained in blank cheques for a particular purpose and that the respondent has misused the same. In fact, the printed portion of the cheque, which contains the name of the petitioner, clearly shows the petitioner's name.



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Crl.R.C.No.2718 of 2025

**SUNDER MOHAN, J.**

6. In view of the above facts and circumstances, this Court is of the view that there is no infirmity in the impugned order passed by the Trial Court. Hence, this Court is not inclined to entertain the petition.

7. Accordingly, this criminal revision petition stands dismissed.

cda

**11.12.2025**

Index : Yes/No

Speaking Order/Non Speaking Order

To

The XX Metropolitan Magistrate,  
Egmore, Allikulam, Chennai.

**Crl.R.C.No.2718 of 2025**