



Crl.R.C.(MD) No.397 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.397 of 2025

and

Crl.M.P.(MD)No.4110 of 2025

A.Sivakumar

... Petitioner/Appellant/Accused

Vs.

T.G.Balaguru

... Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 442 of BNSS, to call for the records and set aside the order passed by the learned Judicial Magistrate No.I, Kumbakonam, dated 01.02.2025 in Crl.M.P.No.30 of 2025 in S.T.C.No.1848 of 2019.

For Petitioner : Mr.R.Rajaraman

ORDER

The Criminal Revision Case is directed against the order passed in Crl.M.P.No.30 of 2025 in S.T.C.No.1848 of 2019, dated 01.02.2025 on the file of the learned Judicial Magistrate No.I, Kumbakonam, dismissing the petition filed under Section 45 of Indian Evidence Act.



Crl.R.C.(MD) No.397 of 2025

WEB COPY

2.The respondent/complainant has lodged a private complaint under Section 200 of Cr.P.C., against the petitioner for the alleged offence under Section 138 of Negotiable Instruments Act. After completion of trial, when the case was posted for arguments, the present application came to be filed under Section 45 of Indian Evidence Act, seeking orders to send the disputed cheque to the hand writing expert for comparison and for report.

3.The learned Magistrate, by observing that such plea disputing the signature found in the cheque was not at all taken by the petitioner at any point of time and particularly, when he was questioning under Section 313(1) of Cr.P.C., or during cross examination of the complainant and that when the case was pending for arguments, that the above petition came to be filed only to drag on the proceedings, dismissed the petition.

4. Considering the facts and circumstances of the case, the impugned order dismissing the petition cannot be found fault with. Consequently, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.



Crl.R.C.(MD) No.397 of 2025

WEB COPY

5. In the result, the Criminal Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

27.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

1. The Judicial Magistrate No.I, Kumbakonam.
2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

Order made in
Crl.R.C.(MD)No.397 of 2025
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