



Crl.R.C(MD)No.639 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.11.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.639 of 2025

and

CRL.MP(MD)Nos.7147 and 13939 of 2025

M.Solaikannan,  
S/o.P.R.Murugesan,  
39 Madi, 3<sup>rd</sup> Main Street,  
M.V.M.Nagar,  
Dindigul.

... Revision Petitioner

vs.

T.Raja Chidambaram,  
S/o.Theertham Pillai,  
16E Sabthagiri Illam,  
M.V.M.Nagar,  
Dindigul.

... Respondent

**PRAYER:** Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records in Crl.M.P.No.13918 of 2024 in S.T.C.No.3022 of 2022 on the file of Judicial Magistrate No.I Court, Dindigul, dated 19.05.2025 and to set aside the same.



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For Revision Petitioner : Mr.S.A.Ajmal Khan

For Respondent : Ms.Gokila Santhiya,  
For Mr.S.Sarvagan Prabhu

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### **ORDER**

Heard Mr.S.A.Ajmal Khan, learned Counsel for the Revision Petitioner and Ms.Gokila Santhiya, learned Counsel for Mr.S.Sarvagan Prabhu, learned Counsel for the Respondent.

2. This Criminal Revision Petition has been filed to set aside the order dated 19.05.2025 passed in Crl.M.P. No.13918 of 2024 in S.T.C. No.3022 of 2022 by the learned Judicial Magistrate No.I, Dindigul, whereby the application filed by the Revision Petitioner seeking to send the disputed cheque to the Forensic Department for comparison of the handwriting and to obtain an expert opinion was dismissed by the Trial Court.

3. The facts of the case in a nutshell, led to filing of this Criminal Revision Petition and necessary for disposal of the same, are as follows:-



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(a) On 01.05.2020, the Revision Petitioner/Accused requested the Respondent/Complainant to provide funds for family and business expenses. Subsequently, on 05.06.2020, the Respondent/Complainant provided Rs.12,50,000/- to the Revision Petitioner/Accused, for which the Revision Petitioner executed a promissory note (pronote) and agreed to pay interest. Thereafter, the Revision Petitioner issued a cheque bearing No.782827 dated 01.07.2022 for Rs.12,50,000/-, and the Respondent/Complainant returned the pronote upon receipt of the cheque.

(b) When the Respondent/Complainant presented the said cheque for encashment on 16.08.2022, it was returned on 17.08.2022 with the endorsement "Funds Insufficient." Consequently, the Respondent sent a legal notice dated 15.09.2022 to the Revision Petitioner/Accused, demanding payment of the cheque amount. Thereafter, the Respondent/Complainant filed a private complaint against the Revision Petitioner in S.T.C. No. 3022 of 2022.

(c) According to the Revision Petitioner/Accused, he did not fill up the alleged cheque. However, the Respondent/Complainant



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contends that the Revision Petitioner/Accused filled up the cheque and handed it over to him on 05.04.2022. It is noted that the cheque in question was issued by the Bank in the year 2015, but the Respondent/Complainant alleges that it was filled up and issued by the Revision Petitioner/Accused on 05.04.2022. To verify the disputed handwriting on the cheque, the Revision Petitioner filed a petition before the learned Judicial Magistrate No.I, Dindigul, in Crl.M.P.No.13918 of 2024 in S.T.C.No.3022 of 2022, seeking an expert opinion. However, the Trial Court dismissed the said petition by order dated 19.05.2025, prompting the Revision Petitioner to file the present Criminal Revision Petition.

4. When the matter was taken up on 04.09.2025, on the request of both Counsel, the Court granted time to the learned Counsel for the Revision Petitioner as well as the learned Counsel for the Respondent to file a counter affidavit and a rejoinder affidavit in the present Criminal Revision Petition. Thereafter, the matter was adjourned to 08.10.2025 to



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enable the filing of the counter and rejoinder affidavits. Today, when the matter was taken up, both the counter affidavit and the rejoinder affidavit have been filed, and the same are on record. The pleadings between the parties are thus complete and both the Counsel ready to argue the case finally today.

5. Ms.Gokila Santhiya, learned Counsel for the Respondent, reiterated the averments made in the counter affidavit and submitted that the contention of the Revision Petitioner is to send the disputed cheque for forensic examination to establish that the handwritten portions on the cheque were not made by the Revision Petitioner. However, the Trial Court dismissed the petition on the ground that the Revision Petitioner had failed to send a reply notice denying the handwriting found on the said cheque. Furthermore, the concerned bank had returned the cheque with the endorsement “funds insufficient” and not on the ground of signature discrepancy. She further submitted that the main contention of the Revision Petitioner pertains only to the handwritten entries on the cheque, whereas the signature on the cheque has been admitted by the



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Revision Petitioner. It is also contended that, though it is not mandatory for the drawer to personally fill up the entire instrument, no useful purpose would be served by sending the disputed cheque for expert opinion. The legal position on similar facts has already been settled by the Hon'ble Supreme Court and the Hon'ble High Court.

6. Learned counsel for the Respondent further submitted that the Trial Court has passed the impugned order dated 19.05.2025 after duly considering the facts and circumstances of the case, as well as the statements of both the Revision Petitioner and the Respondent. It is contended that, in such circumstances, and in order to meet the ends of justice, the impugned order does not warrant any interference by this Court. There is no illegality, impropriety, or perversity in the impugned order, nor does it reflect any abuse of the process of the Court. It is submitted that the Petitioner's signature on the cheque has not been denied, and the contention that contents of the cheque which was issued for security is not plausible for the purpose of appointing an Expert.



7. Learned counsel for the Revision Petitioner reiterated the averments made in the rejoinder affidavit and submitted that the learned trial court dismissed the petition on the ground that the cheque was returned for insufficient funds. However, the trial court failed to properly appreciate the case of the Revision Petitioner. If the expert opinion report establishes that the cheque was filled in by the Revision Petitioner, it would be adverse to his defence. Therefore, obtaining an expert opinion would assist the court in the proper adjudication of the matter. The Respondent, in his evidence, deposed that the Revision Petitioner/Accused filled in the cheque and issued it to him on the date mentioned in the petition. Furthermore, the Respondent agreed to send the disputed cheque for expert examination. In these circumstances, and in the interest of justice, the petition seeking expert opinion ought to have been allowed. It was further submitted that the disputed cheque was not issued on 05.04.2022 as alleged; on that date, the Petitioner neither met the Complainant nor issued the cheque in question.



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8. Learned counsel for the Revision Petitioner further submitted that the Respondent/Complainant and the Revision Petitioner are friends, and that the Revision Petitioner had obtained a hand loan of Rs. 8,00,000/- from the Respondent/Complainant on 25.06.2018. The said amount was repaid through a bank transaction on the same date, which is duly reflected in the bank statement. At that time, the Revision Petitioner had issued certain cheques to the Respondent/Complainant for security purposes. However, the Respondent/Complainant failed to return the said cheques and, after a lapse of four years, filed the present complaint. It was further submitted that the Respondent/Complainant had also advanced loans to third parties introduced by the Revision Petitioner/Accused, and when those third parties defaulted in repayment, the Respondent/Complainant, with mala fide intention, filed the present private complaint by misusing the security cheques. Hence, the learned counsel for the Revision Petitioner prays that this Hon'ble Court may be pleased to set aside the order dated 19.05.2025 in Crl.M.P.No.13918 of 2024 in S.T.C.No.3022 of 2022 passed by the learned Judicial Magistrate No.I, Dindigul.



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9. I have considered the submission of the learned counsel for the Revision Petitioner and the learned Counsel for the Respondent and also perused the record.

10. In the present case, which arises under Section 138 of the Negotiable Instruments Act, the proceedings are at the stage where evidence is to be commenced on behalf of the Revision Petitioner/Accused. At this stage, it appears that the petition seeking expert opinion has been filed only to delay the proceedings. In the instant case, this Court is of the view that the expert opinion sought has no bearing on the issue, as the Court finds no necessity to form an opinion with the assistance of an expert, particularly when categorical findings of the Trial Court are already available.

11. The learned counsel for the Revision Petitioner has not been able to point out any such illegality or impropriety or incorrectness in the impugned order which may persuade this Court to interfere in the same.



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The Revision Petitioner has moved an application in Crl.M.P.No.13918 of 2024 in S.T.C.No.3022 of 2022 seeking to refer the cheque to an expert for the purpose of obtaining an opinion by comparing the handwriting and the same was dismissed vide order dated 19.05.2025 by the learned Judicial Magistrate No.I, Dindigul.

12. In this case, the main issue pertains to an offence under Section 138 of the Negotiable Instruments Act, involving a cheque bearing No. 782827, dated 01.07.2022, for a sum of Rs. 12,50,000/-, issued by the Revision Petitioner/Accused in favour of the Respondent/Complainant towards the discharge of a liability of Rs. 12,50,000/-. As stated above, the Revision Petitioner/Accused has not denied his signature on the said cheque.

13. In the case of **Rangappa vs. Sri Mohan, reported in (2010) 11 SCC 441**, the Hon'ble Supreme Court held that once the accused admits his signature in the cheque, then the presumption comes into play



in favour of the complainant. The relevant portion of the said judgement

is extracted as under:-

*“15. Coming back to the facts in the present case, we are in agreement with the High Court's view that the accused did not raise a probable defence. As noted earlier, the defence of the loss of a blank cheque was taken up belatedly and the accused had mentioned a different date in the 'stop payment' instructions to his bank. Furthermore, the instructions to 'stop payment' had not even mentioned that the cheque had been lost. A perusal of the trial record also shows that the accused appeared to be aware of the fact that the cheque was with the complainant. Furthermore, the very fact that the accused had failed to reply to the statutory notice under Section 138 of the Act leads to the inference that there was merit in the complainant's version. Apart from not raising a probable defence, the appellant-accused was not able to contest the existence of a legally enforceable debt or liability. The fact that the accused had made regular payments to the complainant in relation to the construction of his house does not preclude the possibility of the complainant having spent his own money for the same purpose. As per the record of the case, there was a slight discrepancy in the complainant's version, in so far as it was not clear whether the accused had asked for a hand loan to meet the construction-related expenses or whether the complainant had incurred the said expenditure over a period of time. Either way, the complaint discloses the prima facie existence of a legally enforceable debt or liability since the complainant has maintained that his money was used for the construction-expenses. Since the accused did admit that the signature on the cheque was his, the statutory presumption comes into play and the same has not been rebutted even with regard to the materials submitted by the complainant.”*



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14. In the judgment rendered by the Bombay High Court in the case of **Purushottam Maniklal Gandhi Versus Manohar K. Deshmukh and another, reported in 2007 STPL(DC) 988(BOM); 2007(4) BOMCR404**, it has been held that if a person hands over a duly signed blank cheque, thereby he gives an authority to the holder to put a date of his choice and to present the same for encashment. The cheque does not loose its sanctity merely due to the fact that the same has been filled in by some other person.

15. It is relevant to refer the judgment of Hon'ble Supreme Court reported in **AIR 2019 SC 2446, (Bir Singh Vs Mukesh Kumar)**, wherein the Hon'ble Supreme Court has held that the presumption as to legally enforceable debt, the rebuttal of signed blank cheque, if voluntarily presented to payee towards the payment, payee may fill up the amount and other particulars, that itself would not invalidate the cheque. The onus would still be on the accused to prove the cheque was not issued for discharge of debtor liability by adducing evidence.



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16. In view of the above said decisions, this Court is of the view that in this case, when the Revision Petitioner/accused has not denied the signature on the cheque, the presumption comes into play in favour of the respondent/complainant. Realizing the said legal position only, the petition, seeking to send the alleged cheque referred to above, for expert opinion, has been filed by the Revision Petitioner/accused, only with a view to protract the main case, pending before the court below and to divert the case from its main issue and further with the intention to delay the proceedings of the main case. Hence, such type of exercise cannot be allowed.

17. In view of the above discussions and reasons and in the light of the decisions referred to above, this Court is of the view that the Trial Court has rightly passed the impugned order, dismissing the petition, seeking to send the documents for expert opinion and there is no illegality or perversity in the impugned order of the court below, which warrants interference by this Court and accordingly, this Criminal Revision Case is liable to be dismissed.



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18. In the result, this Criminal Revision Petition is dismissed. The Trial Court is directed to conclude the trial, without giving any unnecessary adjournment to either of the parties, expeditiously, in accordance with law.

There is no order as to costs. Consequently, the connected Criminal Miscellaneous Petitions are closed. The file is consigned to record.

**25.11.2025**

Nsr

To:

- 1.The Judicial Magistrate No.I Court, Dindigul.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**SHAMIM AHMED, J.**

Nsr

Order made in  
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