



CRL RC(MD)No.752 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.752 of 2024

and

CRL MP(MD)No.8073 of 2024

V.Bharath

... Petitioner

Vs.

M.Suresh

... Respondent

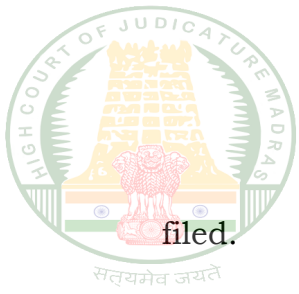
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the order dated 19.07.2024 made in CrI.M.P.No.196 of 2024 in S.T.C.No.466 of 2021 on the file of the learned District Munsif cum Judicial Magistrate Court, Peraiyur, Madurai.

For Petitioner : Mr.M.Gnanagurunathan

For Respondent : Mr.V.M.Jegadeesha Pandian

ORDER

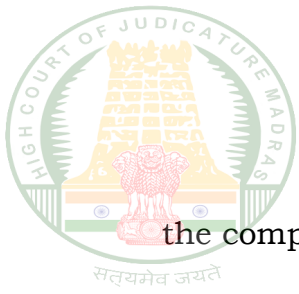
Challenging the order passed by the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai, in CrI.M.P.No.196 of 2024 in S.T.C.No.466 of 2021 dated 19.07.2024, this Criminal Revision Petition is



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2.The claim of the petitioner is that on 30.03.2021, the respondent herein i.e., complainant in S.T.C.No.466 of 2021 issued a notice personally, seeking to return an amount of Rs.5,00,000/-, which was transferred directly by him to the account of the petitioner herein, in which he had made his signature. Further a case under Section 138 of Negotiable Instruments Act, came to be filed by the respondent herein based on an advocate notice dated 23.04.2021, issued on behalf of the respondent, wherein it was stated that the petitioner had borrowed a sum of Rs. 5,00,000/- in person, for which the petitioner herein had issued a cheque. Hence, the petitioner had filed an application in Crl.M.P.No.196 of 2024 under Section 45 of Indian Evidence Act, seeking to sent Ex.B1 notice, in which the petitioner had made his signature for expert opinion. However, the learned Trial Court observing that the transaction elaborated in notice dated 30.03.2021, is completely an independent transaction and it has nothing to do with the transaction for which cognizance under S.T.C.No.466 of 2021 is taken and the same is with respect to Rs.5,00,000/-, which was received by the petitioner herein in hand in person, for which the petitioner had also issued a cheque. Since both the transactions are independent of each other, even if Ex.B1 is sent for expert opinion that will not help the case of the petitioner to absolve him from liability which is cast on him, by



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the complaint lodged by the respondent herein.

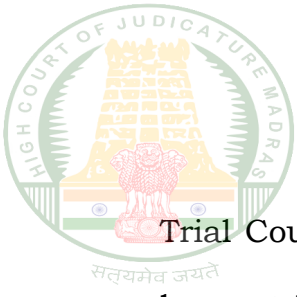
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3.The learned counsel appearing for the petitioner submitted that the learned Trial Court ought to have allowed the petition for the same would facilitate the Court to prove the different stands taken by the complainant in different period of time. He further submitted that an amount of Rs. 1,00,000/- only was borrowed by the petitioner herein, for which he has filed a case seeking Rs.5,00,000/-.

4.The learned counsel appearing for the respondent pointed out that in the cross examination of the petitioner herein, the petitioner has himself admitted the signature in the cheque in question and that the question of sending the notice Ex.B1 will not serve the purpose of the petitioner's case and pressed for dismissal of the Revision Case.

5.Heard the learned counsels on either side and carefully perused the materials available on record.

6.This Court is of the considered view that the learned Trial Court has rightly observed that Ex.B1 notice has nothing to do with the cheque issued by the petitioner in the name of the complainant. That apart, the learned



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Trial Court has also properly recorded the fact that the signature in Ex.B1 has not been denied by the complainant himself. In that case, the learned Trial Court has rightly come to a conclusion that the purpose of sending Ex.B1 notice will not serve the purpose of adjudicating S.T.C.No.466 of 2021.

7.Hence, I do not find any demerit in the order passed by the learned Trial Court and accordingly, the Criminal Revision Case is dismissed. The learned Trial Court is directed to conclude the trial as expeditiously as possible within a period of six months from the date of receipt of copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The Judicial Magistrate, Peraiyur, Madurai.



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L.VICTORIA GOWRI, J.,

Mrn

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