



Crl.R.C(MD)No.942 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.09.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.942 of 2025

and

CRL MP(MD)No.9948 of 2025

A.Mani,
S/o.Arumugam,
Door No.1/133-K-14,
T.K.Pet, Koodalur,
Koodalur Taluk,
Nilgiri District.

... Petitioner

vs.

S.Natarajan,
S/o.Late.Sooryagandhan,
Door No.3/175B,
Akkamanayakkanpudur,
Neikkarapatty Post, Palani Town,
Dindigul District.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertains to the impugned order passed in Crl.M.P.No.5515 of 2023 in S.T.C.No.38 of 2023 on the file of



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the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Palani dated 03.07.2025 and set aside the same and to allow this Criminal Revision Case.

For Petitioner :Mr.C.Jeyaprakash

For Respondent :Mr.G.Karuppasamy Pandiayan

ORDER

Heard Mr.C.Jeyaprakash, learned counsel appearing for the Petitioner and Mr.G.Karuppasamy Pandiayan, learned counsel appearing for the Respondent.

2. This Criminal Revision Petition has been filed by the petitioner to set aside the impugned order passed in Crl.M.P.No.5515 of 2023 in S.T.C.No.38 of 2023 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Palani dated 03.07.2025.



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3. Mr.C.Jeyaprakash, learned counsel appearing for the Petitioner

submits that the cheque in question was not filled by the Petitioner and was not handed over to the Respondent. It is averred that a signed blank cheque was given as security to the Respondent's father, which was not returned despite payment. After the Respondent's father's demise, the Respondent allegedly filled in the blank cheque and misused it. During cross-examination, the Petitioner admitted that the cheque was not filled by him, while acknowledging that he had filled the bank challan. He further submits that the handwriting in the cheque and bank challan allegedly belongs to the Respondent, and the Petitioner claims that the Respondent has deposed false evidence before the Trial Court. To examine the disputed cheque and bank challan, the Petitioner filed a petition before the Judicial Magistrate, Fast Track Court at Magisterial Level, Palani, in Crl.M.P.No.5515 of 2023, seeking to refer the cheque and bank challan to an expert for opinion. However, the Trial Court dismissed the petition vide order dated 03.07.2025, prompting the Petitioner to file the present petition.



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4. Per contra, Mr.G.Karuppasamy Pandiayn, learned counsel for the Respondent submitted that the Trial Court has passed the impugned order after duly considering the facts and circumstances of the case, as well as the statements of both the 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 the cheque was issued for security is not plausible for the purpose of appointing an Expert.

5. I have considered the submission of the learned counsel for the parties and also perused the record.



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6. The learned counsel for the 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. The Petitioner has moved an application in Crl.M.P.No.5515 of 2023 seeking to refer the case cheque and the bank challan to an expert for the purpose of obtaining an opinion by comparing their contents and the same was dismissed vide order dated 03.07.2025 by the Judicial Magistrate, Fast Track Court at Magisterial Level, Palani. The contention of the Petitioner is that the cheque was issued for security, but this contention is not plausible in view of 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***, wherein 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.



WEB COPY 7. 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.

8. 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.

9. In the present case, there is no denial of issuance of cheque and signature of the petitioner on the cheque and there is no foundation laid



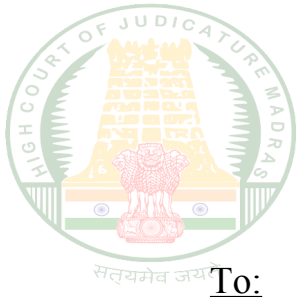
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by the petitioner's counsel to say that the cheque was stolen or signature was forged by the complainant. Thus, the question of referring the cheque to the Expert for getting opinion on the contents of the cheque other than the signature is not useful to the Petitioner.

10. In view of the judgment of the Hon'ble Supreme Court referred supra, this Court finds that the petition is devoid of merits, and the impugned order does not warrant any interference. The Criminal Revision Petition is **dismissed**. Consequently, connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

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To:
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- 1.The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Palani.
- 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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