



CrI.O.P.(MD)No.13115 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.13115 of 2025

and

CrI.M.P.(MD)No.10360 of 2025

S.Sivasamy

... Petitioner

Vs.

N.C.Venugopal

... Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS, to set aside the order in CrI.R.C.No.3 of 2025 dated 20.06.2025 passed by the learned District and Sessions Judge, Karur and CrI.M.P.No.16 of 2025 impugned order dated 10.03.2025 in STC.No.535 of 2022 passed by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur and allow the application filed under Section 45 of the Indian Evidence Act and direct that disputed cheque (Ex.P1) be sent to the Forensic Science Laboratory, Madurai for expert opinion.

For Petitioner

: Mr.K.S.Prakash



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ORDER

The petitioner, who is accused in STC.No.535 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court, Karur, has filed this petition challenging the order dated 20.06.2025 passed in CrI.R.C.No.3 of 2025 by the learned District and Sessions Judge, Karur confirming the order dated 10.03.2025 passed in CrI.M.P.No.16 of 2025 by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur.

2.The petitioner is facing trial in STC.No.535 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court, Karur for the offence under Section 138 of the Negotiable Instruments Act. The trial in the said case was over and it was posted for arguments. At that time, the petitioner has filed a petition in CrI.M.P.No.16 of 2025 before the trial Court seeking expert opinion on the disputed cheque(Ex.P.1) from the Forensic Science Laboratory, Madurai to ascertain as to



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whether the ink of pen used for signature and writing the date, name and amount are one and the same, whether the signature and the contents are written by different handwriting and how many inks are used for filling the cheque and to get report on the same.

3.The case of the petitioner is that the signature found in the disputed cheque(Ex.P.1) is in Tamil and the handwriting in the instrument is in English and also in different term. Therefore, according to the learned counsel for the petitioner, the cheque has not been issued by the petitioner/accused to the respondent. However, the petitioner during while cross examining P.W.1, admitted the signature found in Ex.P.1.

4.Once the signature found in the instrument is admitted, the petitioner cannot question the contents of the instrument. Moreover, the petitioner has preferred the petition at the fag end of the trial when the case was posted for trial. Trial Court as well as the revisional Court has rightly dismissed the petitions and therefore, this Court is not inclined to interfere



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with the orders passed by the trial Court as well by the revisional Court. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

06.08.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

1.The District and Sessions Judge,
Karur.

2.The Judicial Magistrate,
Fast Track Court @ Magisterial Level,
Karur.



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B.PUGALENDHI,J

gns

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