



Crl.R.C(MD)No.1273 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.11.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.1273 of 2025

and

CRL MP(MD)No.12659 of 2025

S.Piramuthunathan,
S/o.Sanmugam,
No.1/215, Muthumothanmozhi,
Muthumothanmozhi Village,
Tisaiyanvillai Taluk and District.

... Petitioner

vs.

M.Vasaharajan,
S/o.S.Muthuvijayan,
Sri Iyan Law Office,
508A, O.S.Bazaar,
Tisaiyanvillai,
Tisaiyanvillai Taluk and District.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order made in Crl.M.P.No.7006 of 2024 in S.T.C.No.155 of 2020 dated 21.03.2025 by the learned District Munsif Cum Judicial Magistrate, Radhapuram, Tirunelveli District and allow the



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Revision Petition.

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For Petitioner :Mr.A.Arun Ramnath

For Respondent :Mr.I.Irulappan

ORDER

Heard Mr.A.Arun Ramnath, learned counsel appearing for the Petitioner and Mr.I.Irulappan, learned counsel appearing for the Respondent.

2. This Criminal Revision Petition has been filed by the Revision Petitioner to set aside the impugned order dated 21.03.2025, passed by the learned District Munsif Cum Judicial Magistrate, Radhapuram, Tirunelveli District made in Crl.M.P.No.7006 of 2024 in S.T.C.No.155 of 2020, whereby the application filed by the Revisionist seeking for expert opinion was dismissed by the Trial Court.



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3. Mr.A.Arun Ramnath, learned counsel appearing for the Revision Petitioner, submits that the cheque in question was originally filled by the Revision Petitioner for Rs. 2,00,000/- (Two Lakh only), but the Respondent allegedly altered it to Rs. 12,00,000/- and corrected the words to "Twelve Lakhs." It is alleged that the Revision Petitioner had given a signed cheque for Rs. 2,00,000/- as security to the Respondent's father, which was misused as Rs. 12,00,000/- and not returned despite payment. The Respondent allegedly changed the figures and words in the cheque and misused it. The Revision Petitioner admitted that the cheque for Rs. 12,00,000/- was not filled by him, although he acknowledged that he had signed the cheque.

4. The learned Counsel for the Revision Petitioner further submits that the Revision Petitioner had allegedly entered into a sale deed in favor of the Respondent; however, the Revision Petitioner claims that he had not entered into any such sale deed with the Respondent and had not signed any sale deed. The Revision Petitioner alleges that the



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Respondent has forged his signature in the sale deed document. It is averred that the handwriting in the cheque and the signature in the sale deed allegedly belong to the Respondent, and the Revision Petitioner claims that the Respondent has deposed false evidence before the Trial Court. To examine the disputed cheque and sale deed, the Revision Petitioner filed a petition before the learned District Munsif Cum Judicial Magistrate, Radhapuram, Tirunelveli District, in CrI.M.P.No.7006 of 2024 in S.T.C.No.155 of 2020, seeking expert opinion to determine the authenticity of the corrections made in the cheque and the signature found in the sale agreement. However, the Trial Court dismissed the petition vide order dated 21.03.2025, prompting the Petitioner to file the present petition.

5. Per contra, Mr.I.Irulappan, 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



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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 and the signature in the sale deed are not plausible for the purpose of appointing an Expert.

6. 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.

7. 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 Revision Petitioner has moved an application in CrI.M.P.No.7006 of



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2024 seeking to refer the cheque and the sale deed to an expert for the purpose of obtaining an opinion by comparing their contents and signature and the same was dismissed vide order dated 21.03.2025 by the learned District Munsif cum Judicial Magistrate, Radhapuram, Tirunelveli District. 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 lose its sanctity merely due to the fact that the same has been filled in by some other person.

8. It is relevant to refer the judgment of Hon'ble Supreme Court reported in ***AIR 2019 SC 2446, (Bir Singh Vs Mukesh Kumar)***, wherein



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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.

9. 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.

10. In the present case, there is no denial of issuance of cheque and signature of the Revision Petitioner on the cheque and there is no foundation laid by the Revision Petitioner's counsel to say that the cheque was stolen or signature was forged by the complainant. Thus, the question of referring the cheque and the sale deed to the Expert for



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getting opinion on the contents of the cheque other than the signature as well as the signature in the sale deed are not useful to the Revision Petitioner.

11. 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**. The Trial Court is directed to expediate the case without granting any unnecessary adjournments to either of the parties. Consequently, connected miscellaneous petition stands closed.

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

03.11.2025



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To:

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1. The District Munsif Cum Judicial Magistrate,
Radhapuram,
Tirunelveli District.
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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