

Crl.R.C.(MD).No.1133 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.1133 of 2022
and Crl.M.P.(MD).No.14267 of 2022

P.S.Hepshiba ... Petitioner/Petitioner/Respondent

Vs.

Ramasubramanian ... Respondent/Respondent/Complainant

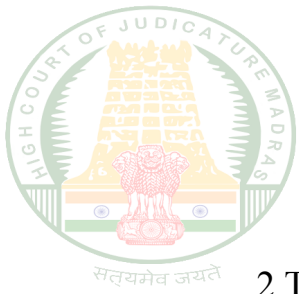
PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order dated 07.11.2022 in Crl.M.P.No.4066 of 2022 in S.T.C.No.509 of 2019 on the file of the learned Judicial Magistrate, Alangulam and set aside the same.

For Petitioner : Mr.D.Venkatachalam

For Respondent : Mr.N.Vignesh

ORDER

This revision case has been filed to set aside the order dated 07.11.2022 in Crl.M.P.No.4066 of 2022 in S.T.C.No.509 of 2019 on the file of the learned Judicial Magistrate, Alangulam.



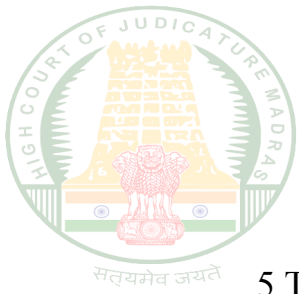
Crl.R.C.(MD).No.1133 of 2022

WEB COPY

2.The accused in S.T.C.No.509 of 2019 has filed this revision challenging the dismissal of the Crl.M.P.No.4066 of 2022 filed under Section 45 of the Indian Evidence Act to send the two vouchers signed and issued by the complainant as acknowledgement of receipt of disputed cheques. According to the petitioner, the petitioner and the respondent were doing business. For the purpose of security he issued the cheque and for the receipt of said cheque acknowledgement by way of voucher was given and the same was marked as Ex.R1. During the cross examination, it was denied. Therefore he filed the application to send for the same for expert opinion.

3.The learned trial Judge by the impugned order dismissed the said application holding that he admitted the issuance of the cheques for security purpose and in the said circumstances, the proof of the signature in the voucher is not relevant to decide the issue.

4.The learned counsel for the petitioner would submit that to prove his defence that the cheque was issued for the security purpose, these material document is necessary. The learned trial Judge erroneously dismissed the application.



Crl.R.C.(MD).No.1133 of 2022

WEB COPY

5.The learned counsel for the respondent would submit that this is the incidental fact to the case. The issuance of the cheque is for the security purpose is the case of the petitioner. In that event sending the voucher for expert's opinion is not relevant. Hence, the learned trial Judge correctly dismissed the application. Therefore, he seeks to dismiss the revision.

6.This Court considered the rival submissions and perused the records.

7.During the cross examination of witnesses no question was asked relating to the vouchers and he has a different reason to file the application to Stallthe trial. Hence, this Court concurs with the reason assigned by the learned trial Judge, apart from the above reason.

8.Accordingly, this criminal revision case stands dismissed. Consequently, connected miscellaneous petition is closed. The learned Judicial Magistrate, Alangulam, shall expedite the trial and conclude the case as early as possible.

14.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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Crl.R.C.(MD).No.1133 of 2022

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- 1.The Judicial Magistrate, Alangulam.
- 2.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD).No.1133 of 2022

K.K.RAMAKRISHNAN, J.

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