

Crl.R.C.(MD).No.1139 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.1139 of 2022
and Crl.M.P.(MD).No.14336 of 2022

P.S.Hepshiba

... Petitioner/Petitioner/Respondent

Vs.

Ramasubramanian

... Respondent/Respondent/Complainant

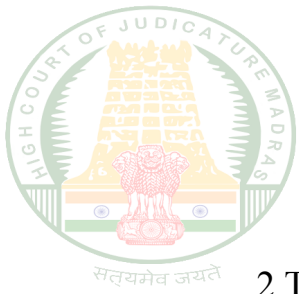
PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order dated 07.11.2022 in Crl.M.P.No.4069 of 2022 in S.T.C.No.484 of 2019 on the file of the learned Judicial Magistrate, Alangulam and set aside the same.

For Petitioner : Mr.D.Venkatachalam

For Respondent : Mr.N.Vignesh

ORDER

This civil revision case has been filed to set aside the order dated 07.11.2022 in Crl.M.P.No.4069 of 2022 in S.T.C.No.484 of 2019 on the file of the learned Judicial Magistrate, Alangulam.



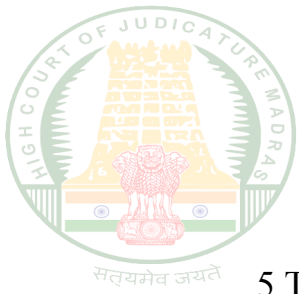
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2.The accused in S.T.C.No.484 of 2019 has filed this revision challenging the dismissal of the Crl.M.P.No.4069 of 2022 filed under Section 45 of the Indian Evidence Act to send the two vouchers signed and issued by the complainant as acknowledgement 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 the same for expert's 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.



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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 there is no question was asked relating to the vouchers and they has a different reason to file the application to stall the 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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- 1.The Judicial Magistrate, Alangulam.
- 2.The Section Officer,
Criminal Record,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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