



Crl.R.C.(MD)No.463 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.463 of 2025

and

Crl.M.P(MD)No.4811 of 2025

Muthusaravanan

... Petitioner

Vs.

Senthur Pandian

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records relating to the impugned order, dated 16.02.2024 passed in Crl.M.P.No.778 of 2022 in C.C.No.71 of 2023 on the file of the Judicial Magistrate, Sankarankovil and permit the petitioner to lead evidence by examining the witnesses on his side.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.V.Kathirvelu, Senior Counsel,
for Mr.K.Prabhu

ORDER

This Criminal Revision Case is directed against the order passed in Crl.M.P.No.778 of 2022 in C.C.No.71 of 2023, dated 16.02.2024, on the



Crl.R.C.(MD)/No.463 of 2025

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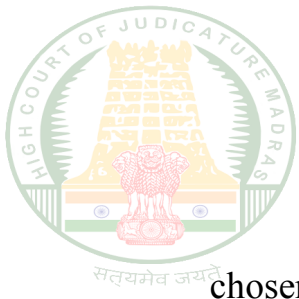
file of the Judicial Magistrate, Sankarankovil, dismissing the petition filed under Section 243 of Cr.P.C.

2. The respondent/complainant has filed a private complaint under Section 200 of Cr.P.C., against the petitioner for the offence under Section 138 of Negotiable Instruments Act.

3. When the case was pending for defence evidence, the above petition has been filed seeking permission to examine three witnesses, which includes the wife of the complainant. The main contention of the petitioner is that the respondent's brother-in-law has taken two cheques of the petitioner, in which one was signed, the other was un-signed; that the respondent has taken the unsigned cheque from his brother-in-law, filled the contents and on that basis, the complaint came to be lodged.

4. It is pertinent to note that the petitioner has admitted the signature found in the cheque.

5. The learned Senior Counsel for the respondent would submit that even after receiving the pre-complaint notice, the petitioner has not



Crl.R.C.(MD)No.463 of 2025

WEB COPY

chosen to send any reply and moreover, when an application to condone the delay was filed by the complainant, notice was ordered to the petitioner and after entering into appearance, he filed counter, wherein also he has not disputed the signatures found in the cheque.

6.It is pertinent to mention that the petitioner has filed a petition under Section 45 of Indian Evidence Act, seeking orders to send the disputed cheques for comparison and for getting expert opinion and the said petition after enquiry came to be dismissed and admittedly, the petitioner has not preferred any revision, challenging the dismissal of the said petition.

7.As rightly pointed out by the learned Senior Counsel appearing for the respondent, the learned trial Judge has specifically observed that after admitting the signature, the petitioner has taken the present plea contrary to the earlier stand. It is pertinent to mention that when the case is pending for defence evidence, the above petition came to be filed.



Crl.R.C.(MD)No.463 of 2025

WEB COPY

8. Considering the above facts and circumstances of the case, this Court has no hesitation to hold that the above petition has been filed only to drag on the proceedings and nothing more. Considering the above, the impugned order, dismissing the petition, cannot be found fault with. Hence, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

9. In the result, this Criminal Revision is dismissed. Since the case is pending from 2013, the learned Judicial Magistrate, Sankarankovil, is directed to proceed with the trial and dispose of the same within a period of two months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

09.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

The Judicial Magistrate, Sankarankovil.

4/5



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Crl.R.C.(MD)No.463 of 2025

K.MURALI SHANKAR,J.

DAS

Order made in
Crl.R.C.(MD)No.463 of 2025
and
Crl.M.P(MD)No.4811 of 2025

Dated: 09.04.2025