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CRL RC No. 404 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-02-2026**

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**CRL RC No. 404 of 2026**

**and**

**CRL MP No. 3107 of 2026**

M.Paravasivam  
S/o.Madhusamy, Muniappan Koil Back  
Side, Erikadu Iyyampudhur Post,  
Singiripatty Village, Mettur Taluk,  
Salem District.

Petitioner(s)

Vs

Kavitha  
D/o.Doraisamy, D.No.3261,  
Valkinathaukadu, Singiripatty Village,  
Mettur Taluk, Salem District.

Respondent(s)

**PRAYER** Criminal Revision Case filed under Sections 438 r/w 442 of Cr.P.C., to set aside the dismissal order passed in Crl.M.P.No.5 of 2025 dated 09.02.2026 in C.C.No.705 of 2024 on the learned Judicial Magistrate-I, Mettur, and subsequently direct the learned Magistrate to send the disputed cheque to a handwriting expert for comparison of signature with the petitioner's original driving license and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr.C.Deepakkumar

### **ORDER**

The revision challenges the dismissal of the petitioner's application filed under Section 39 of the Bharatiya Sakshya Adhiniyam, 2023 (BSA) seeking



reference of the disputed cheque to a handwriting expert for comparison with the admitted signature found in his driving licence.

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2. The petitioner is facing prosecution for the offence under Section 138 of the Negotiable Instruments Act. He filed a petition under Section 39 of the Bharatiya Sakshya Adhiniyam, 2023, before the Trial Court for comparison of his signature in the cheque with the admitted signature in the licence that was issued to him in the year 2005. The learned Magistrate found that the petitioner had not substantiated that he had not signed in the cheque and that during cross-examination, no suggestion had been put to the witness disputing the signature and that even during the examination under Section 351(1)(b) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), the petitioner had not denied his signature in the cheque. The Trial Court also observed that the petitioner had filed this petition only to delay the proceedings at the fag end of the trial.

3. The learned counsel for the petitioner would submit that blank cheques without signature were handed over to the respondent/complainant and therefore, the signature has to be sent for comparison.

4. On perusal of the impugned order, this Court finds that the complaint was filed in the year 2024. The respondent was cross-examined by the petitioner



in the month of July. There is nothing in the cross-examination to suggest that the petitioner had disputed the signature in the cheque. Apart from that, the Trial Court also found that the admitted signature contained in the licence was affixed in the year 2005 and the same cannot be compared with the signature which is said to have been affixed in the year 2024. This Court finds no infirmity in the impugned order.

5. Hence, the Criminal Revision Case stands dismissed. Consequently, the connected miscellaneous petition is closed.

**19-02-2026**

cda

To

The Judicial Magistrate-I, Mettur.



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**SUNDER MOHAN J.**

cda

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