



WEB COPY

CRL OP No. 10196 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10196 of 2026

Rajagopal
S/o.Ramasamy,
No.74, Muthu Nagar,
First Street,
Petambalore Taluk,
Perambalur District.

..Petitioner(s)

Vs

R.Manickam
S/o.Ramasamy,
No.88, Samathuvapuram,
Aalampadi Road,
Perambalur Twon and Taluk,
Perambalur District - 621212.

..Respondent(s)

To SET ASIDE the order passed in CrI.R.No.6 of 2025 dated 28.01.2026 passed by The Principal District and Sessions Judge, Perambalur and thus render justice.

For Petitioner(s): M/s.N.Desinghu

ORDER

This Criminal Original petition is filed challenging the order passed in CrI.R.No.6 of 2025 dated 28.01.2026 passed by the Principal District and Sessions Judge, Perambalur.



2. The petitioner is an accused in a case filed under Section 138 of the Negotiable Instruments Act in S.C.No.927 of 2023 filed by the respondent/complainant. The petitioner filed Crl.MP.Nos.965 and 967 of 2025 before the Trial Court seeking to recall PW1 for further cross-examination and to send the cheque Ex.B1 to handwriting expert to find out the difference in the ink and alterations made in it. The Trial Court by order dated 11.07.2025 dismissed the petitions. Challenging the same, the petitioner preferred a revision in Crl.R.No.6 of 2025 and the District Judge by order dated 28.01.2026 dismissed the revision. Aggrieved by the same, the present petition has been filed.

3. The contention of the petitioner is that in Ex.B1 cheque, that there is variation in the ink between the signature and the contents of the cheque (Ex.B1) and that there is a material alteration in the year, which has been corrected. It is further contended that the cheque was originally handed over on 15.03.2023 as a signed blank cheque and has subsequently been misused by filling in the date as 17.08.2024 and presenting the case against the petitioner. In order to establish these aspects, the petitioner sought recall of PW1 and examination of the cheque by a handwriting expert. However, both the Courts below rejected the same.



4. On a perusal of the records and the impugned orders, it is seen that the petitioner has admitted handing over a signed blank cheque to the respondent, which was subsequently filled up. In this context, Section 20, 118 and 139 of the Negotiable Instruments Act assume significance. Section 20 permits the holder of a signed blank cheque to fill in the particulars, and Sections 118 and 139 raise statutory presumptions that the cheque was issued for consideration and in discharge of a legally enforceable debt or liability.

5. In view of the above statutory presumptions, the contentions of the petitioner that the cheque has been materially altered or misused cannot, at this stage, warrant sending the document for expert opinion. Both the Courts below have rightly held that the petitions were filed only to protract the proceedings. This Court finds no infirmity or illegality in the orders passed by the Courts below warranting interference. Accordingly, this Criminal Original Petition is dismissed.

22-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To

1. The Principal District and Sessions Judge, Perambalur
2. The Public Prosecutor, High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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