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CRL OP No. 8133 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8133 of 2026

AND

CRL MP NO. 5734 OF 2026

R.R. Babu

..Petitioner(s)

Vs

R. Sathish Kumar

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the order dated 05.02.2026 made in C.M.P.No.20 of 2025 in STC No.88 of 2023 on the file of the learned Judicial Magistrate, Palladam and allow this criminal original petition.

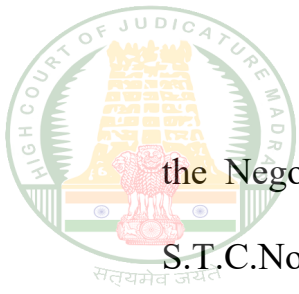
For Petitioner(s):

Mr.S. Saran Prasad

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Judicial Magistrate, Palladam, in C.M.P.No.20 of 2025 in S.T.C.No.88 of 2023, dated 05.02.2026,.

2.The petitioner (A2), facing trial in S.T.C.No.88 of 2023 on the file of the Judicial Magistrate Court, Palladam, for the offence under Section 138 of



the Negotiable Instruments Act, filed a petition in C.M.P.No.20 of 2025 in S.T.C.No.88 of 2023 under Section 94 BNSS to summon the Bank Manager to produce the sale deed containing the admitted signature of the petitioner's brother R.R.Mani for sending the same to the Handwriting Expert for comparison. However, the trial Court has dismissed the said petition by order dated 05.02.2026. Challenging the same, the present Criminal Original Petition has been filed.

3.The contention of the learned counsel for the petitioner is that the petitioner and his brother R.R.Mani were running a business in partnership in the name and style of "Rhamkumar Fashions" and it is his brother R.R.Mani who normally used to sign and transact business. The cheque in question is for a sum of Rs.13,00,000/- which was returned by the City Union Bank for the reason "drawer signature differs". Further, the Bank Manager of City Union Bank was examined on the side of the complainant as P.W.2, who had produced the Account Opening Form (Ex.P11), Partnership Deed (Ex.P12) and specimen signature copy (Ex.P13). P.W.2, during his chief-examination, admits that the signature of R.R.Babu in the cheque differs. To fortify the defence of the petitioner and to bring clarity, the petitioner has filed the present petition to summon the Bank Manager to produce the sale deed containing the admitted signature of his brother R.R.Mani so as to send the same along with the cheque in question to the Handwriting Expert for comparison. In support of his

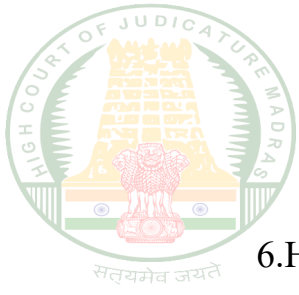


submissions, the learned counsel for the petitioner has produced the deposition of P.W.2 (Bank Manager), Account Opening Form (Ex.P11) and Return Memo.

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4.Considering the submissions made by the learned counsel for the petitioner and on perusal of the materials, it is seen that it is not in dispute that the cheque has been returned for the reason “drawer’s signature differs”. The admitted position of the respondent is that the cheque was signed by R.R.Mani. The Bank Manager who has been examined as P.W.2 has produced Ex.P11 (Account Opening Form), Partnership Deed (Ex.P12) and specimen signature copy (Ex.P13), in which, the signature of R.R.Mani is available. P.W.2, on comparing the signature in the cheque with the specimen signature, has confirmed that the stroke of the signature in the cheque varies and he has also deposed to that effect during his cross-examination.

5.In view of the above, it is not required by the petitioner to further clarify the same. If at all there is going to be any clarification, it can only be by the respondent/complainant, not by the petitioner/accused. In view of the same, submitting the cheque for further comparison by a Handwriting Expert is not required.



6.Hence, this Criminal Original Petition is disposed of. Consequently,

connected miscellaneous petition is closed.

03-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MKN

To

The Judicial Magistrate,
Palladam.



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M.NIRMAL KUMAR J.

MKN

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