



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1255 of 2026

A.Senthil, S/o.Arusamy,
D.No.40/8, S.S.Garden, Nochi Nagar,
Railway Colony Post, Erode Taluk,
Erode District-638002.

..Petitioner(s)

Vs

S.Venkatesawara Sathiskumar,
S/o.K.Subramaniam, D.No.297/4, 51A
Sankari R.S.Way, Nagichettipatti Post,
Sankari Taluk, Salem district.

..Respondent(s)

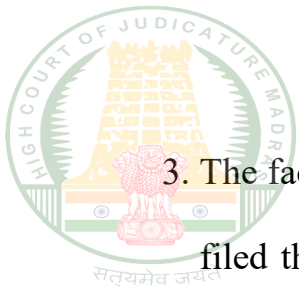
Prayer: To call for the records pertaining to the order dated 29.04.2026 passed in Crl.MP.No.1 of 2025 in STC No.1355 of 2019 on the file of the learned Judicial Magistrate No.II, Sankari, set aside the said order and allow the petition filed by the petitioner as prayed for.

For Petitioner(s):

Mr.R.Krishnan

ORDER

1. Since the Criminal Revision Petition is disposed of, at the admission stage itself and in view of the order to be passed in this petition, notice to the Respondent is dispensed with.
2. This Criminal Revision Case is filed against the order, dated 29.04.2026, passed in Crl.MP.No.1 of 2025 in STC.No.1355 of 2019, by the Judicial Magistrate No.II, Sankari.



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3. The facts of the case, in a nutshell, are that the Respondent/ complainant had filed the above private complaint in STC.No.1355 of 2019, before the Trial Court, in respect of dishonour of a cheque, dated 06.06.2019 for a sum of Rs.3,00,000/-, against the Petitioner/Accused. The Petitioner had filed the above petition in Crl.MP.No1 of 2025, seeking expert opinion. By the impugned order, the Trial Court had dismissed the said Petition. Hence, this Criminal Revision Case has been filed by the Revision Petitioner/ accused.
4. This Court heard Mr.R.Krishnan, the learned counsel for the Revision Petitioner and considered his submissions and also perused the entire materials placed on record.
5. According to the Revision Petitioner/Accused, the cheque in question was given to some other person, namely one Karthikeyan and it was misused by the Respondent/complainant. Once the execution of the cheque in question is denied, expert opinion is necessary. The Trial Court erred in holding that expert opinion is not necessary, because the cheque in question was dishonoured for “Funds Insufficient” and not for “Signature Differs”. Expert evidence would aid the Court in determining the genuineness of the signature. Hence, the impugned order is liable to be set aside, by allowing this Criminal Revision Case.
6. It was the case of the Respondent/Complainant before the Trial Court that the Respondent/ complainant did not get the cheque of the accused from another person and there is no necessity for sending the cheque in question for expert



opinion.

7. It is well settled that opinion of an expert cannot be more reliable than the statement of witnesses on fact and a finding cannot be based on sole testimony of an expert opinion. Therefore, a party to a proceeding cannot be permitted to adduce expert opinion as evidence, unless it is necessary for the court to form an opinion on such aspect.
8. In this case, in the impugned order, the Trial Court has observed that in the cross examination of PW.1, nowhere the Revision Petitioner/ accused has denied the signature found in the cheque in question and that the cheque in question was drawn on his Bank Account. It was further found by the Trial Court that only to fill up the lacuna on the side of the defence and to delay the proceedings, the Petition, seeking expert opinion, has been filed.
9. The Trial Court is competent to look into and find out the signature whether it is similar or not. Even if it is allowed, it is not going to help to the Trial Court in effectively adjudicating the lis, more particularly, in the light of the admitted legal position that expert's opinion evidence as to handwritings or signatures can ever take the place of substantive evidence. Therefore, no useful purpose would be served in sending the said document for the expert opinion, since in this case, nowhere, the Revision Petitioner/ accused has denied his signature on cheque in question. Thus, the plea taken by the Revision Petitioner/ accused for sending the cheque in question appears to be only to delay the trial and only with an intention of diverting the case from its



main issue.

10. Moreover, the present case, which is one under Section 138 of the Negotiable

Instruments Act, is at the stage of evidence to be commenced on the side of the Revision Petitioner/Accused. At this stage, it appears that the Petition, seeking expert opinion has been filed only to delay the proceedings. In the instant case, this Court is of the view that the expert opinion sought to be required does not have any bearing on the issue, as this Court feels that there is no necessity to form an opinion with an assistance of an expert, that too, when there are categorical findings of the Trial Court, available.

11. As stated above, anywhere the Revision Petitioner/ accused has not denied his signature on the cheque in question.

12. In the case of **Rangappa vs. Sri Mohan, reported in 2010-11-SCC- 441**, the Hon'ble Supreme Court held that once the accused admits his signature in the cheque, then the presumption comes into play in favour of the complainant. The relevant portion of the said judgement is extracted as under:-

“15. Coming back to the facts in the present case, we are in agreement with the High Court's view that the accused did not raise a probable defence. As noted earlier, the defence of the loss of a blank cheque was taken up belatedly and the accused had mentioned a different date in the 'stop payment' instructions to his bank. Furthermore, the instructions to 'stop payment' had not even mentioned that the cheque had been lost. A perusal of the trial record also shows that the accused appeared to be aware of the fact that the cheque was with the complainant. Furthermore, the very fact that the accused had failed to reply to the statutory notice under Section 138 of the Act leads to the inference that there was merit in



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the complainant's version. Apart from not raising a probable defence, the appellant-accused was not able to contest the existence of a legally enforceable debt or liability. The fact that the accused had made regular payments to the complainant in relation to the construction of his house does not preclude the possibility of the complainant having spent his own money for the same purpose. As per the record of the case, there was a slight discrepancy in the complainant's version, in so far as it was not clear whether the accused had asked for a hand loan to meet the construction-related expenses or whether the complainant had incurred the said expenditure over a period of time. Either way, the complaint discloses the prima facie existence of a legally enforceable debt or liability since the complainant has maintained that his money was used for the construction-expenses. Since the accused did admit that the signature on the cheque was his, the statutory presumption comes into play and the same has not been rebutted even with regard to the materials submitted by the complainant.”

13. In the judgement rendered by the Bombay High Court in the case of

Purushottam Maniklal Gandhi Versus Manohar K. Deshmukh and another, reported in 2007 STPL(DC) 988(BOM); 2007(4) BOMCR404, it has been held that if a person hands over a duly signed blank cheque, thereby he gives an authority to the holder to put a date of his choice and to present the same for encashment. The cheque does not lose its sanctity merely due to the fact that the same has been filled in by some other person.

14. It is relevant to refer the judgement of Hon'ble Supreme Court reported in

AIR 2019 SC 2446, (Bir Singh Vs Mukesh Kumar), wherein the Hon'ble Supreme Court has held that the presumption as to legally enforceable debt, the rebuttal of signed blank cheque, if voluntarily presented to payee towards the payment, payee may fill up the amount and other particulars, that itself would not invalidate the cheque. The onus would still be on the accused to



prove the cheque was not issued for discharge of debtor liability by adducing evidence.

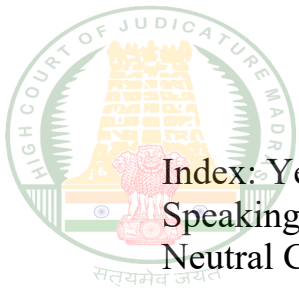
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15. In view of the above said decisions, this Court is of the view that in this case, when the Revision Petitioner/accused has not denied the signature on the cheque, the presumption comes into play in favour of the respondent/complainant. Realising the said legal position only, the petition, seeking to send the cheque in question, for expert opinion, has been filed by the Revision Petitioner/accused, only with a view to protract the main case, pending before the Trial Court and to divert the case from its main issue. Hence, such type of exercise cannot be allowed.

16. In the result, in view of the above discussions and reasons and in the light of the decisions referred to above, this Court is of the view that the Trial Court has rightly passed the impugned order, dismissing the petition, seeking to send the cheque in question for expert opinion and that there is no illegality or perversity in the impugned order of the Trial Court, which warrants no interference by this Court and this Criminal Revision Case is liable to be dismissed and accordingly, it is dismissed. The File is consigned to record.

17. The Trial Court is directed to conclude the trial, without giving any unnecessary adjournment to either of the parties, expeditiously, in accordance with law.

22-06-2026



Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate No.II, Sankari



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SHAMIM AHMED, J.

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