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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL RC No. 1686 of 2025 and
CRL MP Nos.17212 & 17214 of 2025**

Suresh

Petitioner(s)

Vs

Parama Guru

Respondent(s)

PRAYER: Criminal Revision filed under Section 438 and 442 of BNSS to call for the records relating to order dated 22.08.2025 in Crl.M.P.No.1321 of 2025 in S.T.C.No.144 of 2024 passed by the Learned Magistrate, Sanakarapuram and set aside the same and allow the Criminal Revision Petition.

For Petitioner(s): Mr.S.D.Murugan

For Respondent(s): Mr.A.G.Rajan

ORDER

The petitioner who is an accused facing prosecution under Section 138 of NI Act, has preferred the above revision challenging the order passed by the learned Magistrate in Crl.M.P.No.1321 of 2025 refusing to send the handwriting in the cheque for comparison, with his admitted handwriting.

2.The petitioner had filed an application praying for sending the handwriting in the cheque for comparison with his admitted handwriting. However, the learned Magistrate dismissed the said application on the ground that the signature in the cheque has been admitted by the petitioner and therefore, the petition has been filed only to delay the proceedings.



3. The learned counsel for the petitioner would submit that the cheque has been misused by the respondent and that although the signature is admitted, the petitioner did not fill up the contents in the cheque and that has to be established by him before the Trial Court and therefore, the impugned order is liable to be set aside.

4. The learned counsel for the respondent would submit that the signature in the cheque is admitted by the petitioner and hence, there is no necessity for sending the handwriting in the cheque for comparison.

5. From the impugned order it is seen that the signature in the cheque has been admitted by the petitioner. It is the petitioner's case that the contents of the cheque was not filled up by the petitioner. The Hon'ble Supreme Court has held that if the cheque is duly signed by the drawer, it is immaterial as to whether the drawer had filled the contents of the cheque or it had been filled up by any other person.

6. In any case, if it is the case of the petitioner that the signed cheque has been misused by the respondent, it is open to him to establish the same in any other manner before the Trial Court. Hence, this Court finds no infirmity in the impugned order passed by the learned Magistrate.



7. Accordingly, this revision stands dismissed. Consequently, connected miscellaneous petitions are also closed.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The Magistrate, Sanakarapuram.



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SUNDER MOHAN, J.

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