



WEB COPY

CRL RC No. 2416 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL RC No.2416 of 2024
and Crl.M.P.No.2700 of 2026**

D.Gautham

..Petitioner(s)/
Complainant

Vs

N.Arumugam

..Respondent(s)/
Accused

Criminal Revision Petition filed under Sections 438 and 442 of BNSS, praying to set aside the judgment dated 10.12.2024 made in C.M.P.No.3096 of 2024 in STC.No.1393 of 2019 on the file of the learned Judicial Magistrate, Udhagamandalam.

For Petitioner(s):	Mr.C.Prabakaran
For Respondent(s):	Mr.K.Balasubramaniam

ORDER

The present Revision challenges the dismissal of the petition filed under Sections 293 and 294 Cr.P.C r/w Section 45 of the Indian Evidence Act, seeking to sent certain exhibits for expert opinion.

2. The petitioner is the complainant in the proceedings initiated under Section 138 of Negotiable Instruments Act. During the course of trial, the petitioner had marked two documents. Ext.P8, an account slip and Ext.P9, a



compact disk. Thereafter, he had filed an application before the Trial Court seeking an order from the Court to send the signature in Ext.P8 and voice in Ext.P9 to be compared with the admitted signature and voice of the respondent / accused by a competent expert.

3. The learned Judicial Magistrate, by the impugned order dated 10.12.2024, dismissed the said petition on the ground that the application was vexatious in nature and that the petitioner was attempting to fill up the lacunae in the case and delay the proceedings.

4. The learned counsel for the petitioner would submit that the impugned order cannot be sustained; that the petitioner is obliged to prove his case; that the documents marked as Ext.P8 and Ext.P9 are essential for the said purpose; that therefore, the application cannot be said to be vexatious; and that the impugned order is liable to be set aside.

5. Per contra, the learned counsel appearing for the respondent / accused would submit that two documents have already been marked before the Court; that Ext.P9, which is said to be a compact disk, containing the conversation between the petitioner's brother and the respondent, is totally irrelevant and in



any case, it does not prove the case of the petitioner in any manner. He would further submit that Ext.P8 is an accounts slip and that would not establish the liability of the respondent in any manner and therefore, the document itself is irrelevant.

6. Considering the submissions made on either side, this Court is of the view that the relevancy or admissibility of the two documents can be gone into by the Trial Court, after the conclusion of the trial. The right of the petitioner to prove his case cannot be curtailed. Therefore, the impugned order dated 10.12.2024 is set aside. The two documents, Ext.P8 and Ext.P9 shall be sent for comparison, as prayed for by the petitioner. The learned Judicial Magistrate shall complete the said exercise within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Revision Case stands disposed of. Consequently, connected miscellaneous petition is closed.

17.02.2026

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

1.The Judicial Magistrate, Udhagamandalam

2.The Public Prosecutor,
High Court of Madras.

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SUNDER MOHAN J.

Anu

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