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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2569 of 2026

Crl.MP.No.22067 of 2026

CNR: {HCMA011942692026}

Case QR

1. M/s.Allites Life Science Pvt.Ltd., Rep by its Director, Muthukrishnan Narayanasamy, Plot No.67, 1st Floor, II Main Road, Chandran Nagar, Chrompet, Chennai.

2. Mtuhukrishnan Narayanasamy, S/o Narayanasamy, Director of M/s. Allites Life Science Pvt Ltd, S-5, II Floor Kalki Flats, Durga Nagar, Tambaram Sanatorium, Chennai.

   Also at Plot No.1, Ground Floor, Jagath Avenue 8th Cross Street Ext, New colony, Chrompet, Chennai.

   Also At, Survey No.200, Alliance Galleria Residences, Flat 107, 1 Floor, 4, 200 Feet Radial Rd, Velan Nagar, Zamin Pallavaram, Chennai,

..Petitioner(s)

Vs

M/s. Royal Agency, Rep by its Partner,
Prayul K Jain and Priyal P Jain, Having Office at,
15, Vasu Street 3 rd Floor, Kilpauk, Chennai.
Rep by its Power Agent Prakash V Bhatt.

..Respondent(s)

Prayer:- This Criminal Revision Case is filed against the order, dated 10.12.2025, passed in Crl.MP.No.13513 of 2025 in STC.No.4920 of 2025, by the XXXIV-Metropolitan Magistrate, Fast Track Court No.I, Egmore at Allikulam, Chennai and consequently, to direct that Ex.P2, acknowledgement

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letter dated, 07.12.2022 and Ex.P5, cheque bearing No.001300, dated 30.05.2024, be forwarded to an appropriate Government Forensic Science Laboratory/competent handwriting expert for examination and opinion, regarding the disputed writings therein.

For Petitioner(s): Mr.V.Arvind Rajagopal

For Respondent(s): Mr.A.Gopinath for Mr.A.Damodaran

ORDER

1. This Criminal Revision Case is filed against the order, dated 10.12.2025, passed in Crl.MP.No.13513 of 2025 in STC.No.4920 of 2025, by the XXXIV Metropolitan Magistrate, Fast Track Court No.I, Egmore at Allikulam, Chennai and consequently, to send Ex.P2, acknowledgement letter dated, 07.12.2022 and Ex.P5, cheque, bearing No.001300, dated 30.05.2024, for expert opinion, regarding the disputed writings contained therein.

2. The facts of the case, in a nutshell, are that the 2nd Revision Petitioner/A2 is the Director of the 1st Revision Petitioner Company/A1. The Respondent is the complainant. The Revision Petitioners are engaged in the business of selling medicines and other pharmaaceutical products. There were business transactions between the parties. The Respondent had filed a complaint in STC.No.4920 of 2025, against the the Revision Petitioners, before the Trial Court, for the offence under Section 138 of the Negotiable Instruments Act, in respect of dishonour of a cheque, dated 30.05.2024, for a sum of

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Rs.30,00,000/-. The Revision Petitioners had filed the above petition in Crl.MP.No.13513 of 2025, under Section 39(1) of BSA, 2023, seeking expert opinion, in respect of the writings in the acknowledgement letter, dated, 07.12.2022 (Ex.P2) and the cheque, dated 30.05.2024 (Ex.P5). By the impugned order, the Trial Court had dismissed the said Petition. Hence, this Criminal Revision Case has been filed by the Revision Petitioners/ accused.

3. This Court heard V.Arvind Rajagopal, the learned counsel for the Revision Petitioners and Mr.A.Gopinath for Mr.A.Damodaran, the learned counsel for the Respondent and considered their submissions and also perused the entire materials placed on record.

4. According to the Revision Petitioners/Accused, the cheque in question was given only for the purpose of security and it was misused by the Respondent/complainant. The contents/writings found in the cheque (Ex.P5) and the acknowledgement letter (Ex.P2), were not filled up by the 2nd Revision Petitioner. Once the writings, found in the said disputed documents, are denied, expert opinion is necessary. The Trial Court erred in holding that expert opinion is not necessary, because the signature in the cheque in question was admitted by the accused. The fact that the signature is admitted, does not, by itself, render every other disputed fact relating to the instrument irrelevant. Expert evidence would aid the Court in determining the genuineness of the writings in the cheque and the acknowledgement letter in question. The balance of justice lies in allowing the forensic examination.

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No prejudice would be caused to the Respondent, by permitting such expert opinion. Hence, the impugned order, refusing to send the disputed documents, namely, Ex.P2, acknowledgement letter and Ex.P5, cheque for expert opinion, is liable to be set aside, by allowing this Criminal Revision Case.

5. It is the case of the Respondent/Complainant that the application, seeking expert opinoin, has been filed, only with an intention to delay the trial and that the presumption comes into play in favour of the Respondent/ Complainant, when the signature found in the cheque in question is not specifically denied. The burden is upon the accused to rebut the presumption, by adducing cogent evidence and not by seeking for sending the disputed documents for expert opinoin. Sending the disputed documents for expert opinion does not arise, when the signature in the cheque in question is admitted. Hence, there is no necessity for sending the cheque (Ex.P5) and acknowledgement letter, Ex.P2, for expert opinion.

6. 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.

7. In this case, in the impugned order, the Trial Court has observed that there were business transactions between the parties and that in the cross

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examination of PW.1, nowhere the Revision Petitioner/ accused has denied the signature found in the cheque (Ex.P5) and the acknowledgement letter (Ex.P2) and that the accused had executed and delivered the cheque in question to the Respondent/Complainant. It was further found by the Trial Court that the accused did not produce any single piece of evidence, containing his admitted hand writings and signatures for comparison with the disputed documents. Ultimately, the Trial Courtl, finding that only to fill up the lacuna on the side of the defence and to delay the proceedings, the Petition, seeking expert opinion, had been filed, had rightly dismissed the Petition, seeking expert opinion, by the impugned order.

8. 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 documents for the expert opinion, since in this case, nowhere, the Revision Petitioner/ accused has denied his signature on cheque and the acknowledgement letter, in question. Thus, the plea taken by the Revision Petitioners/ accused for sending the cheque and the acknowledgment letter, in question appears to be only to delay the trial and only with an intention of diverting the case from its main issue.

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9. Morever, the present case, which is one under Section 138 of the Negotiable Instruments Act, is at the stage of commencing arguments. At this stage, it appears that the Petition, seeking expert opinion has been filed only to delay the proceedings. In the instant case, this Courts 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.

10. As stated above, anywhere the Revision Petitioner/ accused has not denied his signature on the cheque and the acknowledgement letter, in question. There were business transactions between the parties. There is a clear admission by the accused that the accused had executed and delivered the cheque in question to the Respondent/complainant.

11. 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*

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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 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."

12. 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 loose its sanctity merely due to the fact that the same has been filled in by some other person.

13.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

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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 debt or liability by adducing evidence.

14. 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 in question, the presumption comes into play in favour of the Respondent/ complainant. Realising the said legal position only, the petition, seeking to send the cheque and acknowledgement letter, 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.

15. In the result, in view of the above discussions and the 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 and the acknowledgement letter, 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.

16. There is no order as to costs. Consequently, the connected Criminal Miscellaneous Petition is closed. The File is consigned to record.

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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.

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

SRCM

To

1. XXXIV-Metropolitan Magistrate, Fast Track Court No.I, Egmore at Allikulam, Chennai

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SHAMIM AHMED, J.

SRCM

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