



IN THE COURT OF ADDITIONAL AND SESSIONS JUDGE, DINDIGUL

Present : Thiru.Swarnam J.Rajagopalan, B.A.B.L.,(Hons.)

Additional District and Sessions Judge, Dindigul.

Tuesday, dated this the 14th day of July 2026.

Crl.R.P.No.14/2025 in Crlmp.No.2410/2025

in STC.No.1499/2023

(CNR.No.TNDG01-004724-2025)

Tmt.Hemalatha (55/2025) D/o.Natarajan, represented by her Power Agent, Mrs.Shabiya (30/2025), W/o.Karthick, residing at Door No.84/1, Rajiv Gandhi Nagar, Gandhigramam, Chettiyapatti Post, Keelakottai, Village, Athoor Taluk, Dindigul District.

... Revision petitioner/ Complainant/ Plaintiff

Vs.

Mrs.Senthil Rani (55/2025), W/o.Late.Thirupathi, Devangar Higher Secondary School, Chinnalapatti, Dindigul – 624 301.

... Respondent / Accused / Accused

This Criminal revision petition came on 29.01.2026 for hearing before me, in the presence of Thiru.M.Kannappan, Advocate for the Revision petitioner and Thiru.R.Ashokan, Advocate for the Respondent / Accused and upon perusing the material records and having stood over for consideration till this day, this Court delivers the following :

ORDER

The Criminal revision petition is filed by the Complainant before the STC against the order passed by the learned Judicial Magistrate No.II Dindigul in CrImp.No.2410/2025 in S.T.C. No.1499 / 2023, dated 29.09.2025. Upon hearing the petitioner and upon perusing the orders impugned at the outset this court passes the following orders.

- i. The revision petitioner is the complainant in S.T.C. No.1499 of 2023, which was instituted against the respondent/accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, on the allegation that the respondent had issued two cheques for a total sum of Rs.20,00,000/- in favour of the complainant, which, on presentation, were dishonoured for insufficiency of funds.
- ii. During the pendency of the said proceedings, the respondent/accused filed CrI.M.P. No.2410 of 2025 before the trial Court seeking a direction to send his mobile phone to the Forensic Science Laboratory for examination. According to the accused, on 16.04.2023 at about 7.39 p.m., Akaash Raj, the son of the complainant, and the power agent's brother and he had transmitted through WhatsApp a photograph of the cheque showing that the cheque had been handed over without the particulars being filled up. It was, therefore, contended that forensic examination of the mobile phone was necessary to establish the genuineness and originality of the said electronic communication.

The petitioner herein resisted the said request and filed counter. However, accepting the said request, the learned Judicial Magistrate allowed the petition by order dated 29.09.2025. Aggrieved by the same, the present revision has been preferred.

- iii. The principal grounds urged by the revision petitioner are that the trial Court failed to appreciate the limited scope of a prosecution under Section 138 of the Negotiable Instruments Act and the settled principles governing reference of electronic devices for forensic examination. According to the revision petitioner, the impugned order has been passed without properly considering the relevance and necessity of the proposed forensic examination and without appreciating that the petition was intended only to protract the proceedings.
- iv. It is further contended that the complaint was instituted in the year 2023. The complainant was examined as P.W.1 on 19.06.2024. The accused did not cross-examine P.W.1 at that stage. Subsequently, the Branch Manager was examined as P.W.2 on 07.02.2025. The examination under Section 313 of the Code of Criminal Procedure was also completed on 21.03.2025. When the matter was posted for further proceedings on 09.05.2025, the accused filed a petition to recall P.W.1 on 04.07.2025, which was allowed, and thereafter P.W.1 was cross-examined on 01.08.2025. Only thereafter, on 22.08.2025, the accused filed the present petition seeking forensic examination of his mobile phone. According to the revision petitioner, the accused had throughout adopted

dilatory tactics with the sole intention of delaying the disposal of the case and evading his liability under the dishonoured cheques. Therefore, the trial Court ought not to have allowed the petition.

- v. The respondent/accused has filed a counter opposing the revision. It is contended that the revision itself is not maintainable in law. It is further submitted that the accused is entitled to rebut the statutory presumption available under Section 139 of the Negotiable Instruments Act and to adduce all legally admissible evidence in support of his defence. The order directing forensic examination is only an interlocutory order passed in aid of a fair trial and does not warrant interference in revisional jurisdiction. Hence, the respondent prayed for dismissal of the revision petition and for confirmation of the order passed by the learned Judicial Magistrate.
- vi. Heard the learned counsel appearing on either side. Perused the materials available on record.

3. Point for Determination:

1. Whether the present Criminal Revision Case is maintainable against the order of the learned Judicial Magistrate No.II, Dindigul, directing the accused's mobile phone to be sent for forensic examination, and if so, whether the impugned order warrants interference in exercise of the revisional jurisdiction of this Court?

4. Discussion and Reasons:

- i. At the outset, this Court is required to examine the maintainability of the present revision, as the respondent has raised a preliminary objection that the impugned order is only an interlocutory order against which a revision is expressly barred.
- ii. Section 397(2) of the Code of Criminal Procedure, 1973 (corresponding provision under the Bharatiya Nagarik Suraksha Sanhita, 2023) specifically prohibits the exercise of revisional jurisdiction in respect of interlocutory orders passed in any inquiry, trial or other proceeding. The object of the said provision is to prevent repeated interference at every stage of the criminal proceedings and thereby avoid unnecessary delay in the disposal of criminal cases.
- iii. The distinction between a final order, an intermediate order and an interlocutory order has been authoritatively explained by the Hon'ble Supreme Court. An interlocutory order is one which is purely procedural in nature and does not determine or adjudicate the rights or liabilities of the parties. Though an intermediate order may not finally terminate the proceedings, it nevertheless substantially affects the rights of the parties and is therefore amenable to revisional jurisdiction in certain cases. Consequently, every order passed during the course of a trial is not revisable merely because it causes inconvenience or prejudice to one of the parties.

- iv. In the present case, the impugned order merely permits the accused's mobile phone to be sent to the Forensic Science Laboratory for examination. The order neither adjudicates the guilt or innocence of the accused nor decides the admissibility, relevancy or evidentiary value of any electronic record. The proposed forensic examination is only a step in the process of collection of evidence. Even after the forensic report is received, it is open to the trial Court to decide its admissibility and evidentiary value in accordance with law. Likewise, it is open to the complainant to dispute the authenticity, relevance and probative value of such report during trial.
- v. Therefore, the impugned order does not finally determine any substantive right of either party nor does it conclude any issue arising in the prosecution under Section 138 of the Negotiable Instruments Act. It merely facilitates the collection of evidence at the instance of the accused in support of his defence. Such an order is purely procedural in nature and cannot be construed as one affecting the valuable rights of the revision petitioner so as to bring it within the category of an intermediate order.
- vi. The contention of the revision petitioner that the accused has adopted dilatory tactics by filing the petition at a belated stage after recall and cross-examination of P.W.1 is a matter which could have been urged before the trial Court while opposing the application. Even assuming that there was delay on the part of the accused in seeking the forensic examination, the order allowing

such request does not, by itself, determine any legal right of the complainant. The alleged delay or prejudice can always be addressed by the trial Court while regulating the conduct of the proceedings and by fixing appropriate timelines for completion of the trial.

- vii. This Court is therefore of the considered opinion that the impugned order is only an interlocutory order passed in aid of the trial. In view of the express bar contained under Section 397(2) of the Code of Criminal Procedure, the present revision is not maintainable.
- viii. Accordingly, without expressing any opinion on the correctness or otherwise of the order directing forensic examination or on the merits of the defence sought to be raised by the accused, this Court holds that the revision petition is barred under Section 397(2) Cr.P.C. (corresponding provision under the BNSS). The revision petitioner is, however, at liberty to raise all objections regarding the admissibility, genuineness and evidentiary value of the forensic report, if and when it is produced before the trial Court, and the learned Judicial Magistrate shall consider the same independently in accordance with law without being influenced by any observation contained in the impugned order.

In the result, the Criminal Revision Case is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition, if any, shall stand closed.

Directly dictated by me to the google docx, typed by it, corrected and pronounced by me in Open Court on this the 14th day of July 2026.

Additional District and Sessions Judge,
Dindigul.