



CNR: KAHC010729772024

NC: 2026:KHC:48393
CRL.P No. 32 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 32 OF 2025 (482(Cr.PC) /
528(BNSS)-)

BETWEEN:

VASANTH KUMAR
S/O KEMPEGOWDA
AGED 40 YEARS, VISL EMPLOYEE,
NEW TOWN BHADRAVATHI-577401.

...PETITIONER

(BY SRI. PRASAD B S.,ADVOCATE)

AND:

K C RAVISHANKAR
S/O CHIKKARAMAIAH
AGED ABOUT 53 YEARS,
R/O KHB 88/A
GOLDEN JUBLI COLONY UPPER HUTTA,
BHADRAVATHI-577401 C

...RESPONDENT

(BY SRI. SUBHASH K R.,ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ORDER DATED 22.10.2024 PASSED BY THE II ADDITIONAL CIVIL JUDGE AND JMFC BHADRAVATHI IN CC.NO.5848/2022 FOR THE OFFENCES PUNISHABLE UNDER SECTION 138 OF NI ACT, CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONER U/S 45 OF EVIDENCE ACT.

THIS CRIMINAL PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;

Wherefore the petitioner humbly prays that this Hon'ble Court may kindly be pleased to Quash the order dated 22.10.2024 passed by the II Additional Civil Judge and JMFC Bhadravathi in CC.No.5848/2022 for the offences punishable under Section 138 of NI Act, consequently allow the application filed by the petitioner u/s 45 of Evidence Act in the interest of justice.

2. The respondent instituted proceedings under Section 138 of the Negotiable Instruments Act, contending that the cheque issued by the petitioner in his favour had been dishonoured and that such dishonour constituted an offence punishable under Section 138 of the Negotiable Instruments Act.
3. In the said proceedings, the petitioner filed an application under Section 45 of the then applicable Indian Evidence Act, seeking reference of the cheque to the Forensic Science Laboratory for examination by a handwriting expert. The specific contention of the petitioner was that, though the signature appearing on the cheque was admitted to be his, the writings forming the body of the cheque, namely, the



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name of the payee, the amount in words and figures and the date, had not been written by him. According to the petitioner, these entries were made by the respondent after the petitioner had issued a signed blank cheque. It is not in dispute that the petitioner admits having issued the signed cheque; the dispute is with regard to the authorship of the writings forming its body and the circumstances in which those writings came to be entered.

4. The said application came to be rejected by order dated 27.10.2024, principally on the ground that the petitioner had admitted his signature on the cheque and had also admitted borrowing a sum of Rs.75,000/-. The Trial Court was of the view that it was for the petitioner to establish that he had borrowed only Rs.75,000/- and not Rs.9,50,000/-, the latter amount being the amount reflected in the cheque, and further that the body of the cheque had not been filled up by him. Aggrieved by the said order, the petitioner is before this Court.
5. Sri B.S. Prasad, learned counsel appearing for the petitioner, submits as under:
 - 5.1. The difference between the handwriting appearing in the body of the cheque and the



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admitted signature of the petitioner is ex-facie apparent. The petitioner had not filled up any of the particulars contained in the body of the cheque and had merely issued a signed blank cheque to the respondent.

- 5.2. According to learned counsel, the respondent subsequently filled up the particulars relating to the payee, amount and date. In such circumstances, the question as to who authored the writings appearing in the body of the cheque is a material question which can appropriately be determined only with the assistance of a handwriting expert.
- 5.3. Learned counsel further submits that the entries forming the body of the cheque were subsequently inserted and were not in existence when the cheque was delivered by the petitioner. It is therefore contended that the opinion of a handwriting expert is necessary for a proper adjudication of the defence raised by the petitioner.
6. Per contra, Sri K.R. Subhash, learned counsel appearing for the respondent, submits as under:



- 6.1. The handwriting appearing in the body of the cheque and the signature thereon are of the petitioner himself and there is, therefore, no necessity for subjecting the cheque to examination by a handwriting expert. According to learned counsel, the application has been filed only with a view to delay the proceedings before the Trial Court. He reiterates that, the petitioner having admitted borrowing a sum of Rs.75,000/-, the present application is nothing but an attempt to protract the proceedings.
- 6.2. Learned counsel further submits that the writings forming the body of the cheque and the signature were made contemporaneously and that there is no justification for referring the cheque for forensic examination.
7. Heard Sri.B.S.Prasad, learned counsel appearing for the petitioner, and Sri.K.R.Subhash, learned counsel appearing for the respondent, and have perused the material on record.
8. The controversy in the present matter arises in the context of the proceedings instituted under Section 138 of the Negotiable Instruments Act. The petitioner does not dispute his signature on the cheque. His



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specific defence, however, is that he had issued a signed blank cheque and that the particulars constituting the body of the cheque were subsequently filled in by the respondent. Since this contention is specifically raised, the petitioner was called upon to place the cheque itself before the Court. Pursuant thereto, a memo has been filed today producing a copy of the cheque on record.

9. On perusal of the photocopy of the cheque produced before this Court, it is apparent, on ocular examination, that the handwriting appearing in the body of the cheque, particularly the name of the payee and the amount written in words, is visibly different from the admitted signature of the petitioner. The difference is sufficiently apparent to warrant examination of the petitioner's specific defence rather than its rejection merely on the basis of the admitted signature.
10. It is, however, equally necessary to bear in mind that the ultimate determination in proceedings under Section 138 of the Negotiable Instruments Act may entail penal consequences. A disputed question relating to the authorship of the writings on the cheque cannot, in such circumstances, be



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conclusively determined merely on the basis of an ocular comparison undertaken by the Court. Where a party specifically disputes the authorship of the writings forming the body of the cheque and seeks expert examination of the disputed handwriting, the material question ought to be adjudicated on the basis of appropriate evidence, particularly when such evidence is capable of being obtained without causing prejudice to either party.

11. In the present case, the scope of the proposed examination is narrow and well defined. It is only to ascertain whether the handwriting appearing in the particulars of the cheque, namely, the name of the payee and the amount written therein, corresponds with the admitted handwriting/signature of the petitioner or is attributable to a different person. The petitioner has specifically raised this issue and the cheque itself discloses a visible difference in the writings. In these circumstances, the forensic examination sought by the petitioner cannot be characterised as an exercise intended merely to delay the proceedings. The question raised is directly relevant to the defence of the petitioner and can be conclusively addressed by obtaining expert opinion.



12. Accordingly, this Court is of the considered opinion that the cheque ought to be referred to the Forensic Science Laboratory for examination by a handwriting expert, with a direction to furnish a report as to whether the disputed writings appearing in the body of the cheque are in the handwriting of the petitioner.
13. In that view of the matter this Court passes the following;

ORDER

- i. The criminal petition is ***allowed***.
- ii. The order dated 22.10.2024 passed by the II Additional Civil Judge and JMFC Bhadravathi in CC.No.5848/2022 is set aside.
- iii. Consequently, the application filed by the petitioner under Section 45 of the Indian Evidence Act is allowed.
- iv. The trial Court is directed to forward the original of the cheque bearing No.577919202 said to be dated 05.08.2022 to the **State Forensic Science Laboratory, Sarjapur - Marathahalli Road, Madiwala, Bengaluru, Karnataka, 560 068** for ascertaining;



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- a. Whether the writing in the body of the cheque and the signature are matching?
- b. Whether the writing in the body of the cheque and the signature was made at the same time.
- c. Whether the writing in the body of the cheque are that of the Petitioner?
- v. The cheque along with admitted handwriting and signature samples of the petitioner to be sent to the handwriting State Forensic Science Laboratory, Sarjapur - Marathahalli Road, Madiwala, Bengaluru, Karnataka, 560068 on or before 30.09.2026. Report to be submitted by 30.10.2026.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 12