

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 131 of 2015

1. Laxmi Kaiwartya, S/o. Shri Chhat Ram Kaiwartya, aged about 48 years, R/o. 2 Number Pankhadafai, Police Station Bankimongra, District Korba (C.G.)

---- **Petitioner**

Versus

1. Gendram Sahu, S/o. Shri Suklal Sahu, aged about 43 years, R/o. Village Balgi Colony, Qr.No.DS-1, Police Station Bankimongra, Tahsil Katghora, District Korba (C.G.).

---- **Respondent**

For Petitioner : Mr. Basant Kaiwartya, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/07/2015

1. Challenge in this petition is to the order dated 15.01.2015, passed by the Court of Additional Sessions Judge, Katghora, in Criminal Revision No.53/2013, whereby the order passed by the Judicial Magistrate First Class, Katghora, dated 17.05.2013 in Criminal Case No.677/2011 between Gendram & Laxmi Kaiwartya has been affirmed.
2. It was stated by the petitioner that signed 20 cheques were given to the complainant, Gendram Sahu and since the few of the cheques were dishonoured for want of fund, a complaint U/s.138 of the Negotiable Instrument Act was filed. It is further stated that since the

cheques were given in bulk and subsequently the amount and the dates inserted by the complainant which amounts to fraud & forgery. Therefore, the accused wanted to get it verified through handwriting expert.

3. Perusal of the order would show that the application to get the cheques verified by handwriting expert were moved at the fagend of the trial after the examination of the witnesses. The handwriting in cheques has not been disputed, therefore, necessarily the presumption under Section 139 of the Negotiable Instrument Act would be drawn in favour of the holder. Consequently, the submission made by the learned counsel for the petitioner has no merit and as appears the entire effort is to protract the trial. In a result I do not find any merit in this case to invoke the jurisdiction under Section 482 of the Code of Criminal Procedure.
4. In a consequence, the petition has no merit and it is dismissed accordingly.

Sd/-
(Goutam Bhaduri)
Judge