

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2443 of 2015

ORDER

-

The present criminal revision case is directed against the order dated 26.02.2015 passed in Crl.M.P.No.576 of 2015 in C.C.No.454 of 2014 on the file of II Additional Judicial Magistrate of First Class, Rajahmundry.

2. Heard and perused the material on record.

3. The petitioner/accused is involved in C.C.No.454 of 2014 registered for the offence punishable under Section 138 of Negotiable Instruments Act, 1988. He filed Crl.M.P.No.576 of 2015 under Section 45 of the Indian Evidence Act, 1872, seeking to send the disputed promissory note dated 14.04.2013 to the handwriting expert for comparison and opinion. The trial Court having observed that the application was silent as to with which of the admitted/standard signatures of the petitioner, the signature on the disputed signature has to be compared nor any contemporaneous signatures of the petitioner were furnished to the Court for comparison with the disputed signature on Ex.A7, dismissed the said application. Aggrieved by the same, the present revision is filed.

4. After hearing the arguments of the learned counsel for the petitioner and after perusing the material on record, the impugned order passed by the trial Court is in accordance with law and there is no need to interfere with the same. During the course of arguments, learned counsel for the petitioner submitted that NBW is pending against the petitioner. Issuance of NBW is to secure the

attendance of the petitioner before the trial Court. As the petitioner expressed his willingness to appear before the trial Court regularly, the NBW issued against him can be recalled.

5. The Criminal Revision Case is accordingly disposed of, and the petitioner is directed to surrender before the trial Court on or before 30.10.2015 and make an application for recalling of NBW pending against him. On filing such an application, the trial Court shall recall the warrant on the petitioner executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum to its satisfaction, failing which, the trial Court is at liberty to take appropriate steps. Till such time, the warrant issued against the petitioner is hereby suspended. The petitioner herein is further directed to appear before the trial Court on each and every date of adjournment.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

12th October, 2015

sj