

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1727 of 2015

ORDER:

-

1. This Criminal Revision Case is filed by the petitioner-Accused challenging the order dated 12.8.2015 made in CrI.M.P.No.1106 of 2015 in C.C.No.29 of 2015 on the file of the IV Special Magistrate at Hyderabad.

2. The petitioner-accused is facing trial for the offence under Section 138 of the Negotiable Instruments Act. In the above C.C., the petitioner-accused filed the above CrI.M.P. under Section 45 of the Evidence Act seeking to send Exs.P1-promissory note and P2-cheque to chemical examination of the Government Forensic Laboratory, Hyderabad to ascertain whether the signatures and writings in Exs.P1 and P2 are of the petitioner-accused or not.

3. The trial Court dismissed the said application on the ground that the handwritings on Exs.P1 and P2 can be compared by the Court itself and opinion of the expert is not necessary and that the opinion of an expert is only a recommendatory in nature and does not bind the Court. Aggrieved by the same, the petitioner-accused filed this revision.

4. Heard and perused the material available on record.

5. Learned Counsel for the petitioner submitted that the cheque in question was signed by the petitioner during the year 2011 and the signature on the promissory note does not belong to the petitioner and to ascertain the age of ink in Exs.P1 and P2 and to ascertain the opinion as to the signature on the promissory note, it is necessary to send the documents in question.

6. The petitioner is facing trial for the offence under Section 138 of the Negotiable

Instruments Act. If it is found that the signature on the cheque is that of the petitioner, it is not necessary to send the promissory note, which is supportive in nature, to an expert to compare the signature and writings thereon. Insofar as the age of the ink is concerned, the same cannot be ascertained by the examiners and it is highly impossible as rightly observed by the trial Court. The learned Counsel for the petitioner fairly conceded that no such technology is available in India to ascertain the age of the ink is concerned. Further, even the expert opinion, if any, in this regard, cannot be conclusive proof to decide the issue. Apart from that, it is not the case of the petitioner that such plea was taken by him at the initial stage.

7. Considering the above facts and circumstances of the case, this Court is of the view that the order of the trial Court does not suffer from any irregularity warranting interference by this Court and hence, the revision is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Dated: 26.8.2015

Nn

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-

-

-

-

-

-

-

-

-

CRIMINAL REVISION CASE No.1727 of 2015

-

-

-

-

26.8.2015

Nn

-