

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.501 of 2015

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ORDER :

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), aggrieved by the order dated 09.03.2015, passed in CrI.M.P.No.628 of 2015 in C.C.No.411 of 2010 on the file of the I Additional Junior Civil Judge, Narsaraopet, wherein the request of the petitioner for sending document to a hand writing expert was rejected.

The facts of the case are as under:

The first respondent herein filed a private complaint under Section 200 of Cr.P.C. for the offences punishable under Section 138 and 142 (b) of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act'). After completion of entire trial and when the case was posted for arguments, the petitioner/accused filed an application under Section 45 of the Evidence Act to send Ex.P1 cheque to a handwriting expert on the ground that the signature on the cheque does not belong to him. The said request was rejected by the trial Court vide CrI.M.P.No.628 of 2015. Aggrieved by the same the present revision is filed.

Learned counsel for the petitioner submits that since the accused is disputing the signature on the cheque, it is just and necessary that Ex.P1 cheque should be sent to a hand writing expert for a just decision of the case.

A perusal of the material placed before the Court would show that nothing was suggested to PW.1 complainant and PW.5, who is bank official, disputing the genuineness of signature on Ex.P1. The impugned order discloses that the accused did not even suggest to PW5, who is the Bank official, about the genuineness of the signature on Ex.P1. A contemporaneous signature of the accused was also not filed along with the application. Without taking any steps at the earliest point of time, the present application came to be filed before the trial Court five years after lodging of the complaint.

In ***L.C.Goyal Vs. Suresh Joshi and others*** the Apex Court held that when the cheque was bounced not on the account of the fact of signature was not tallying with the specimen signature of the account holder, sending the document to obtain opinion of handwriting expert do not arise.

In ***G.Someswara Rao Vs. Samineni Nageswara Rao*** the Apex Court held that when the signature on cheque and pronote were not specifically denied, sending those documents to a hand writing expert to obtain his opinion is not sustainable.

Apart from that the record reveals that the case has been posted for arguments from 28.01.2015. Infact the record also indicate that the arguments on behalf of the complainant were also heard on 11.02.2015. After completion of the arguments by the complainant, the present application is filed. Hence, the request of the petitioner cannot be considered.

However, the learned Magistrate shall compare the signature of the accused in the cheque with the admitted signatures of the accused for the contemporary period, if placed on record before concluding his arguments.

Accordingly, the revision is disposed of with the above direction.

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

JUSTICE C. PRAVEEN KUMAR

01.04.2015.

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