

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1078 of 2015

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ORDER

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This revision is preferred challenging the order dated 17.06.2015 passed by the I Additional Judicial Magistrate of First Class, Khammam in Crl.M.P.No.582 of 2015 in C.C.No.630 of 2012.

2. The second respondent herein filed a complaint against the petitioner/accused for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act, 1881 and under Section 420 IPC. The petitioner/accused filed Crl.M.P.No.582 of 2015 seeking to send Ex.P1-promissory note for handwriting expert's opinion with the signature of the accused. By the order impugned, the trial Court dismissed the said application. Aggrieved by the same, the present revision is filed.

3. Heard both sides and perused the material on record.

4. As seen from the order impugned, the trial Court came to the conclusion by comparing the disputed and admitted signatures that they are visible and not in complex and there is no need to send the promissory note for comparison by an expert. The promissory note is only an additional supporting document for the issuance of the dishonoured cheque. Having not disputed the signature available in the dishonoured cheque, the petitioner/accused cannot file a petition to send the promissory

note for expert opinion. Hence, this Court is not inclined to interfere with the order impugned. However, it is left open to the trial Court to compare the signature on the promissory note as well as the cheque concerned with the admitted signature of the petitioner and if the trial Court is of the view there is some discrepancies in the signatures, it can take necessary steps for examination of the document by the expert.

5. With the above observation, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

24th June, 2015

sj