

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE NO.763 OF 2015

ORDER:

1. This revision is filed by the petitioner-accused aggrieved by the order dated 20.4.2015 passed by the VII Additional Metropolitan Sessions Judge, Hyderabad in Crl.M.P.No.434 of 2012 in Crl.A.No.112 of 2011.

2. The petitioner filed the above Crl.M.P. under Section 45 of the Evidence Act seeking to send Ex.P1-cheque to the Handwriting expert on the ground that some alterations were made in the contents of the cheque in question. The Court below dismissed the said application. Aggrieved by the same, the petitioner-accused filed the present revision.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner submitted that the cheque in question may be sent to an expert so as to enable the petitioner to establish his defence. The learned Counsel for the petitioner mainly contended that there should be a stroke across number '7' and in the cheque in the date mentioned therein, there was no such stroke, and the date '1' is altered as that of '7'. He further submitted that the petitioner was not so advised by the Counsel during the course of trial to file any such application and therefore, the petitioner could not file such application at the earliest point of time.

5. Admittedly, in the present case, the petitioner has not made any attempts to get Ex.P1 sent to an expert, by filing any application under Section 45 of the Evidence Act during the course of trial before the trial Court. The trial Judge has also observed in his judgment that the petitioner has not sent Ex.P1 to the handwriting expert to prove material alternations, if any. The trial Judge has specifically observed that even though such defence was raised by the petitioner but he has not ventured to

file any application for sending the cheque in question to the expert. The material on record goes to show that the Counsel appearing for the petitioner before the trial Court has raised all these points during the course of cross-examination of the witnesses by way of suggestions to the witnesses. Since the Counsel has raised all the questions before the trial Court in the cross-examination of the witnesses, the contention of the learned Counsel for the petitioner that the petitioner was not advised to file any application for sending the document to the expert, cannot be sustained.

6. Considering the circumstances of the case, this Court feels that the approach of the petitioner before the appellate Court with the present application is nothing but to drag on the proceedings in the appeal, and that the order under revision does not suffer from any illegality or irregularity warranting interference by this Court and hence, the revision is liable to be dismissed.

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

Justice Raja Elango

Dated: 9.6.2015

Nn.

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