

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.899 OF 2015

ORDER:

This Criminal Revision Case is filed against order, dated 25.05.2015, passed in CrI.M.P. No.702 of 2015 in C.C. No.387 of 2013, by the XXIII Special Magistrate, Hyderabad, whereby the learned Magistrate dismissed the application filed by the accused for sending Ex.P2 cheque to the Forensic Science Laboratory for comparison of the signature, handwriting found thereon, with the admitted signatures.

The brief facts of the case are that the 2nd respondent – de facto complainant filed a case against the accused for the offence under Section 138 of the Negotiable Instruments Act. The case is at the stage of defence arguments. At this stage, the petitioner – accused filed the present application disputing the age of writing, corrections, signatures and alterations found in Ex.P.2, and for sending the same for comparison and expert opinion.

The de facto complainant filed counter denying the contents of the application. It is stated by the de facto complainant that the accused has not disputed his signatures found on Ex.P2 when he was examined under Sections 251 and 313 Cr.P.C., and it was also not suggested to PW.1 that the cheque is forged or fabricated.

The learned trial Judge dismissed the application on the following grounds:

- i. The petitioner has not taken the plea at the earliest point of time,
- ii. Even in the cross-examination, he has not suggested that the signature on the cheque is not that of the petitioner and further more in the reply notice given by the petitioner to the complainant he admitted that he has issued the cheque, but it is a blank cheque.

Heard and perused the entire material available on record.

After perusing the order passed by the trial Court, this Court is of the view that the trial Court has rightly dismissed the application filed by the petitioner. Hence, this Court is not inclined to interfere with the order passed by the trial Court.

The Criminal Revision Case is, accordingly, dismissed. Miscellaneous pending if any, shall stand closed.

RAJA ELANGO, J

June 10, 2015.

KTL