

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.956 OF 2015

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ORDER:

This Criminal Revision Case is filed by the petitioner-accused against order, dated 13.03.2015, passed in Crl.M.P.No.867 of 2015 in Crl.M.P.No.265 of 2015 in CC No.60 of 2009 on the file of the of Chief Metropolitan Magistrate, Visakhapatnam.

The brief facts of the case are that the petitioner is the accused in CC No.60 of 2009 on the file of the Chief Metropolitan Magistrate, Visakhapatnam, for the offence under Section 138 of the Negotiable Instruments Act. At the stage of defence evidence, the petitioner filed Crl.M.P. No.265 of 2015 before the Court below to send the documents i.e. cheque-Ex.P1, promissory note-Ex.P2 and the acknowledgment-Ex.P5 to the handwriting expert for comparison with his admitted signatures. The Court below allowed the application with the following directions:

“Therefore, the present petition is allowed in order to prove the plea of accused with a condition that the accused is hereby directed to produce his admitted signatures in the year 2005, 2007 for the purpose of comparing his signatures on Ex.P1, Ex.P2 and Ex.P5. The accused is further directed to produce the admitted signatures on or before 13.02.2015 and if accused produced the admitted signatures of relevant period and office is hereby directed to send the documents and signatures to the handwriting expert on payment of requisition fees payable by accused. If the accused failed to produce the admitted signatures on or before 13.02.2015, the petition shall stand dismissed.”

On 13.02.2015, the petitioner without producing his admitted signatures for the years 2005 and 2007, filed Crl.M.P. No.867 of 2015 before the Court below stating that his signatures for the years 2005 and 2007 were not available with him and hence, he could not produce the same and prayed the Court below to allow the Crl.M.P.

No.265 of 2015. The 1st respondent-complainant filed a counter affidavit stating that the petitioner with a view to drag on the proceedings, filed the applications. The Court below, upon hearing both sides, dismissed Crl.M.P. No.867 of 2015. Aggrieved by the same, the present revision is filed.

Heard and perused the material available on record.

A perusal of the order passed by the Court below in Crl.M.P. No.265 of 2015 discloses that the Court below allowed the said application on condition of petitioner producing his admitted signatures for the years 2005 and 2007 and the petitioner also agreed for the same. The petitioner has given sufficient time to produce his admitted signatures. But, the petitioner without complying with the said condition, had filed the impugned application. Therefore, the trial Court has rightly dismissed the application on the ground that the petitioner with a view to drag on the matter filed the application. This Court is not inclined to interfere with the said order.

Accordingly, the Criminal Revision Case is dismissed. The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 17, 2015.
KTL