

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.827 of 2015

ORDER:

This revision is preferred challenging the order dated 12-05-2015 passed by the First Special Magistrate Vijayawada, Krishna District in CrI.M.P.No.377 of 2015 in C.C. No.341 of 2014, wherein the petition filed by the petitioner-accused for invoking the provisions under Section 45 of the Indian Evidence Act was dismissed.

The petitioner-accused preferred the said petition alleging that the signature in the promissory note alleged to have been executed by her is forged one and that the said signature is not her signature. The learned trial Judge dismissed the application on the ground that already civil suit is also decreed against the accused and the petition is filed only with an intention to drag on the proceedings.

It is not the case of the petitioner-accused that at the time of filing of this petition the signature in the cheque is not her signature. She is disputing only the signature in the promissory note. This Court is of the view that in such a situation, the trial Court is at liberty to obtain the handwriting and signatures of the petitioner-accused and compare the same in the Court itself. If the trial Court found that there is some discrepancy and also difference in the signatures in the documents concerned, the trial Court is at liberty to send the same for expert opinion.

Accordingly, the Criminal Revision Case is disposed of with a direction to the trial Court to obtain the handwriting and signatures of the petitioner-accused in the open Court and compare the same along with the said documents and if it found some difference, the trial Court is at liberty to take appropriate steps.

Accordingly, the Criminal Revision Case is disposed of. Consequently, the Miscellaneous Petitions pending, if any, in this revision shall stand closed.

RAJA ELANGO, J.

03rd June, 2015

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