

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

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Crl.P.No.365 of 2015
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ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the Order dt.19-01-2015 in Crl.M.P.No.114 of 2015 in C.C.No.651 of 2013 on the file of Special Judicial Magistrate of First Class (Prohibition & Excise Cases), Khammam.

2. The petitioner is an accused in C.C.No.651 of 2013 filed by the respondent against him alleging that petitioner had committed an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Petitioner filed Crl.M.P.No.114 of 2015 under Section 45 of the Indian Evidence Act to send the dishonoured cheque Ex.P-1 and the pronote Ex.P-8 filed by the respondent to a handwriting expert for comparing signatures thereon with his admitted signatures on the vakalat, served summons and signatures on Section 313 Cr.P.C. statement of the petitioner.

3. By Order dt.19-01-2015, the said application has been dismissed. The Court below held that the signatures of the petitioner are not similar even in the documents available before the Court and that the petitioner was wantonly changing his signatures from time to time as per his convenience and it will be unsafe to send the same to the handwriting expert.

4. The learned counsel for the petitioner contends that the view taken by the Court below is not correct and that the application filed by the petitioner ought to have been allowed.

5. In the present case, the Court below has observed that the petitioner's signatures on the documents in the Court record are

different which indicate that he was changing his signatures from time to time and it is not safe to rely on the same. I agree with the Court below and therefore hold that it is unsafe to send the cheque and pronote in question to handwriting expert to compare his signatures on them with the signatures on the Court record documents such as Vakalat etc.

6. I therefore do not find any merit in the Criminal Petition and the same is accordingly dismissed.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date : 30-01-2015

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