

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.1544 of 2015

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ORDER :

This criminal petition is filed by the petitioner/accused under Section 482 Cr.P.C. to quash the order dated 04.12.2014 in Cr.R.P.No.139 of 2014 on the file of the III Additional District and Sessions Judge, R.R. District at L.B.Nagar, wherein the order dated 13.08.2014 in CrI.M.P.No.630 of 2013 in C.C.No.259 of 2012 passed by the learned Special Metropolitan Magistrate, Cyberabad, was confirmed.

2. Heard learned counsel for the petitioner/accused and also heard the 2nd respondent-State represented by its Public Prosecutor before admission and before notice to the 1st respondent.

3. The 1st respondent herein is the complainant in C.C.No.259 of 2012 on the file of the Special Metropolitan Magistrate, Hayathnagar, which was taken cognizance for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

4. Perused the material on record.

5. Pending C.C.No.259 of 2012, the petitioner/accused filed CrI.M.No.630 of 2013 under Section 45 of the Indian Evidence Act to send the disputed cheque in question to the handwriting expert as there is material alteration and that there is adding of numerical '1' before 27,100 making 1,27,000 instead of 27,100. The trial Court after contest from the counter by the 1st respondent/complainant, held that there are no material alterations at all in the cheque in question referred as Ex.P.1, thereby there are no grounds to consider the request of the petitioner to send the cheque in question to handwriting expert and the same was confirmed on 04.12.2012 by the learned

III Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar in Crl.R.P.No.139 of 2014. It is now impugning the same, present criminal petition is filed.

6. Now it is the contention of the learned counsel for the petitioner that the numerical '1' is added and even to glaring eye or to naked eye from its perusal of the numerical '1' is different writing when compared with other numerical 27,100. In fact, there is a wording in Telugu letters of the amount besides the numerical. Thereby, it requires cross-examination to decide prima facie whether there is a subsequent interpolation of the numerical '1'. Thereby, it is premature for this court at this stage to interfere with the order of the trial Court from that saying even PW.1 is not cross-examined so far. It is needless to say, the orders of the trial court are not interfered here by disposal of the criminal petition, which would no way prejudice the right of the petitioner/accused in the event of showing from the oral evidence or cross-examination of PW.1 of any material alterations after coming to defence evidence to file fresh application reiterating the request to consider on own merits.

7. With the above observations, this criminal petition is disposed of.

8. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28th September 2015.

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