

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1885 OF 2015

ORDER:

This criminal revision case under Sections 397 and 401 of the Code of Criminal Procedure is filed by the petitioner/accused seeking to set aside the order, dated 03.08.2015 passed in CrI.M.P.No.1015 of 2015 in C.C.No.104 of 2013 by the Court of the X Special Magistrate, at Hasthinapur, L.B.Nagar, Ranga Reddy District, whereby the learned Judge dismissed the petition filed by the petitioner seeking to send the material document, Ex.P.2, the cheque, for expert opinion.

Heard and perused the material.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the petition filed by the petitioner to send Ex.P.2 for expert opinion as it is necessary for better adjudication of the case.

The Court below dismissed the petition on the ground that there is no necessity for ascertaining the vintage of the handwriting concerned. This Court is of the view that when there is an admission that the signature is of the petitioner herein, in the case filed under Section 138 of Negotiable Instruments Act, the filling up of the other columns in the cheque may be by other persons. Further, proving the vintage of the handwriting on the cheque cannot improve the case of the petitioner herein. The Court below rightly dismissed the petition seeking to send the cheque, Ex.P.2, for handwriting expert opinion. Hence, this Court is inclined to interfere with the well considered order of the Court below.

The Criminal Revision Case is accordingly dismissed. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

03.12.2015

pln