

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9306 of 2015

Between:

Ch.S.K.Naga Raj

..... PETITIONER

AND

Laxmaiah and another

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9306 of 2015

ORDER:

The petitioner is sole accused in C.C.No.151/2013 on the file of the XXV
Special Magistrate, Hyderabad, registered for the offence punishable under Section

138 of Negotiable Instruments Act. The petitioners filed a petition in CrI.MP No.920/2015 before the trial Court under Section 45 of the Evidence Act to send Exs.P1 & P2 cheques for handwriting expert to examine the contents of the cheques, and the same was dismissed by the trial Court vide orders dated 08.05.2015. Against the said order, the petitioner preferred revision before the Metropolitan Sessions Judge, Hyderabad in Criminal Revision Petition No.123/2014 and the learned Sessions Judge also dismissed the revision filed by the petitioner vide orders dated 06.08.2015. Questioning the correctness of the said order, the present criminal petition is filed.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, representing the State.

The complaint against the petitioner was under section 138 of Negotiable Instruments Act. Trial was commenced. The cross examination of PW1 would show that the accused admitted his signatures on the cheques, but disputed with regard to writings of contents of cheques. As rightly held by the learned Sessions Judge, when the signature on the cheque was admitted, the accused has to probabalise the circumstances, which warrants him to issue the said cheques. Having considered the nature of offence and circumstances of the case, both courts below have rightly rejected the relief prayed for by the petitioner.

I do not find any grounds to take a different view other than the view taken by both the Courts below.

In view of the above, the Criminal Petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 09.10.2015

Dsr