

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.749 of 2015

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ORDER:

1. This revision is filed by the petitioner-accused against the order dated 10.4.2015 passed by the IV Additional Junior Civil Judge, Tirupati, Chittoor District, in Crl.M.P.No.143 of 2015 in C.C.No.182 of 2013.

2. The petitioner-accused filed the above Crl.M.P. before the Court below under Section 45 of the Evidence Act for the purpose of sending Ex.P1 cheque to the handwriting expert for comparison of handwritings and also manipulations in Ex.P1 cheque. The Court below dismissed the said application. Aggrieved by the same, the petitioner filed this revision.

3. The learned Counsel for the petitioner submitted that the petitioner lost the signed blank cheques and one of those cheques was misused by the complainant.

4. Even though the petitioner admitted the signature on the cheque in question, but he stated that the contents in the cheque were not filled by him.

5. Heard and perused the material available on record.

6. Insofar as the signatures are concerned, if there is any dispute, the same can be sent to the hand writing expert. The petitioner admitted his signature on the cheque in question. But he took a plea that he lost the signed blank cheques and one of those cheques was misused by filling the contents and therefore, Ex.P1 may be sent to handwriting expert for comparison of handwritings on Ex.P.1. For that purpose, the petitioner filed the above application while the above C.C. has been coming up for defence arguments.

7. The approach of the petitioner at the fag end would lead to draw an inference that

the present application is filed only to procrastinate the proceedings in the above C.C. Further, in view of the admission of the petitioner about his signature on the cheque in question and in the absence of any cogent material on record to establish that the petitioner lost the cheque in question, this Court feels that the order under revision does not suffer from any illegality warranting any interference by this Court and therefore, the revision case is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed. Consequently, the miscellaneous petitions pending, if any, shall stand dismissed.

Justice Raja Elango

Dated: 4.6.2015

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