

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2573 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner, challenging the order, dated 05.10.2015 passed in CrI.M.P. No.1730 of 2015 in C.C. No.85 of 2010 by the II Additional Junior Civil Judge-cum-Additional Metropolitan Magistrate, Anakapalli, Visakhapatnam.

Heard and perused the material available on record.

The 2nd respondent filed the above CC against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. The petitioner filed an application before the Court below under Sections 45 to 47 of the Evidence Act, seeking to send the cheque and promissory note to the handwriting expert to compare her disputed signatures with her admitted signatures and for his opinion. The Court below allowed that application and directed the petitioner to produce her admitted or contemporaneous signatures on 09.09.2015. The petitioner failed to produce her contemporaneous signatures and, therefore, the Court below dismissed the option of production of admitted or contemporaneous signatures by the petitioner and issued summons to the Bank Manager for production of record, on a memo filed by the de facto complainant. Aggrieved thereby, the present revision is filed.

Considering the facts and circumstances of the case, this Court is of the view that mere calling for the record from the bank to verify the signatures, without there being any admitted or contemporaneous signatures of the petitioner will not serve any purpose. Hence, this Court is of the view that the petitioner may be given one more opportunity to produce her contemporary admitted signatures, in the interest of justice.

Accordingly, the Criminal Revision Case is disposed of directing the Additional Metropolitan Magistrate, Anakapalli, Visakhapatnam, to direct the petitioner to produce her contemporary admitted signatures on or before 15.12.2015 and on production of such signatures by the petitioner, the same shall be sent to the handwriting expert for comparison with disputed signatures of the petitioner and for his opinion. If the petitioner fails to submit her admitted signatures on or before 15.12.2015, the trial Court is at liberty to proceed in accordance with law.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

16.11.2015

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