

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM NO. M-1247 OF 2015 (O&M)
DECIDED ON : 02.02.2015**

M/S P.S Enterprises and others

...Petitioners

versus

Tower Vision India Pvt Ltd.

...Respondent

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Rajesh Garg, Senior Advocate with
Ms. Nirmata Shergill, Advocate,
for the petitioners.

Mr. Akshay Bhan, Senior Advocate with
Mr. Jasbir Mor, Advocate,
for the respondent.

K. C. PURI, J. (ORAL)

The accused now petitioners have filed present petition under Section 482 of the Code of Criminal Procedure (in short "the Cr.P.C") challenging the order dated 06.01.2015 passed by learned District and Sessions Judge, Gurgaon, vide which the revision preferred by the accused/petitioners against the order dated 12.11.2014 passed by Judicial Magistrate Ist Class, Gurgaon, was dismissed.

Briefly stated, the present petitioners who happened to be the accused in a complaint under Section 138 of the Negotiable Instruments Act (in short "the Act") filed an

application for allowing them to examine the handwriting expert so as to compare the handwriting of the cheques in question. The said application was dismissed vide order dated 12.11.2014. Feeling aggrieved against the said order, the accused/petitioner preferred revision and the learned Sessions Judge vide order dated 06.01.2015, dismissed the said revision petition.

Learned counsel for the complainant/respondent, on instructions from the complainant, has stated at the bar that he has no objection in allowing the application for comparison of handwriting on the cheques in question but has submitted that presumption be not drawn that the same were filled in by the complainant/respondent.

The other apprehension raised by learned counsel for the complainant/respondent is that accused/petitioners wanted to delay the proceedings. However, learned counsel for the accused/petitioners has stated at the bar that petitioners will submit the report within ten days and will examine the handwriting expert on the first date fixed by the trial court.

In view of the submissions made by learned counsel for the parties, both the impugned orders dated 06.01.2015 and 12.11.2014 stand set-aside and the accused is allowed to examine the handwriting expert in respect of comparison of writing on the cheques in question. However, the presumption shall not be drawn that the same have been filled in by the complainant/respondent, unless specifically proved by the

accused/petitioner.

The trial court shall decide the case expeditiously, in view of the submissions made by learned counsel for the accused, preferably within two months from the next date of hearing.

Disposed of.

FEBRUARY 02, 2015
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(K. C. PURI)
JUDGE