

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

CRM-M-14844-2015 (O&M)

Date of decision : 06.10.2015

Rakesh Kumar

...Petitioner

Versus

Manoj Rana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Munish Mittal, Advocate,
for the petitioner.

Mr. Abhimanyu Singh, Advocate,
for the respondent.

JITENDRA CHAUHAN, J. (Oral)

The present petition under Section 482 of the Code of Criminal Procedure, (for short, 'the Cr.P.C.') is for quashing of order dated 23.04.2015 (Annexure P-4), passed by the learned Judicial Magistrate 1st Class, Karnal, and order dated 01.05.2015 (Annexure P-6) passed by the learned Additional Sessions Judge, Karnal, whereby the application of the petitioner to examine a handwriting expert in his defence evidence has been rejected.

The learned counsel for the petitioner contends that the cheque in question was issued only for Rs.5,000/-. The figure '40' has

been inserted by the respondent subsequently, thereby, making the amount as Rs.4,05,000/-. The learned counsel cites ***Kalyani Baskar Vs. M.S. Sampooranam, 2007(1) R.C.R. (Criminal) 311*** and ***Pardeep Kumar Mahajan Vs. Ashwani Mehta, 2015(1) R.C.R. (Criminal) 704***.

On the other hand, the learned counsel for the respondent contends that the present application is nothing but a device to delay the trial as two effective opportunities were availed by the petitioner. The instant application has been moved after recording the statement under Section 313 Cr.P.C.

Heard.

The stand of the accused is that the cheque was issued for an amount of Rs.5,000/-, however, figure '40' was added to make it Rs.4,05,000/-. Thus, the factum of interpolation was in the knowledge of the petitioner from the very beginning. However, the present application has been moved after recording his statement under Section 313 Cr.P.C. and after availing two effective opportunities. No such stand has been taken by the petitioner in his statement under Section 313 Cr.P.C. He has also admitted his signature upon the cheque in dispute. The case law cited by the learned counsel is distinguishable on facts.

The revision petition filed by the petitioner against the order of dismissal of his application, also stands dismissed by the

Additional Sessions Judge, Karnal, vide order dated 01.05.2015. Therefore, it is a second revision under the guise of petition under Section 482 Cr.P.C., which is not maintainable being that there is no illegality, perversity, miscarriage of justice or an abuse of process of law.

Therefore, this Court does not find any illegality or perversity in the concurrent findings recorded by the learned Courts below, which may require interference. Consequently, the present petition is hereby dismissed.

06.10.2015
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(JITENDRA CHAUHAN)
JUDGE

Note : Whether to be referred to reporter ? Yes / No