

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

CRM M-3322 of 2015

Date of decision : 13.08.2015

Soni Pal & anr.

....Petitioners

V/s

Shiv Kumar & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.C. Shahpuri, Advocate for the petitioners.

Mr. Chirag Wadhwa, Advocate for respondent no. 1.

Mr. Gaurav Dhir, DAG Haryana.

RAJAN GUPTA J.

Petitioners have posed a challenge to order dated 19.01.2015 passed by Judicial Magistrate Ist Class, Jagadhri whereby he has declined the prayer to compare the signatures of accused-petitioner no. 1 on the cheque in question with the standard signatures of accused-petitioner no. 1 from the handwriting expert. He has relied upon judgment of the Apex court reported as *G.Someshwar Rao vs. Samineni Nageshwar Rao & anr.* 2009(3) R.C.R. (Criminal) 912.

I have heard learned counsel for the petitioners.

I am not convinced with the plea. A perusal of the impugned order shows that accused neither denied his signatures on the cheque in question. On the other hand, he took the defence that cheque had been lost by him. Nine opportunities were granted to the petitioners for defence evidence. Thereafter, instant application was moved for comparison of the signatures. Prayer

has been declined by the court below on the ground that accused had at no stage denied his signatures on the cheque in question. I find no ground to interfere in inherent jurisdiction of this court as trial of the case appears to be nearing its culmination. Judgment in *G.Someshwar Rao's* case (supra) cannot help the case of the petitioners as facts of the instant case are totally different. Dismissed.

August 13, 2015

Ajay

(RAJAN GUPTA)
JUDGE