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

CRM-M-4126 of 2015

Date of Decision: February 09, 2015.

M/s Bulls International

.....Petitioner

Versus

M/s Eltrans Logistics Pvt. Ltd.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kuldip Sanwal, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 17.01.2015 (Annexure P-5), whereby application moved by the petitioner for getting the body of the cheque Exhibit C-3 compared from the hand-writing and finger-print expert, was dismissed.

Petitioner is facing trial in a complaint filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881. While leading its defence, petitioner moved an application (Annexure P-1) for directing the respondent to give his specimen hand writing so that the same could be got compared with the body of the cheque (Exhibit C3). Another application (Annexure P-2) was moved for sending the cheque (Exhibit C3) to Government Forensic Science Laboratory, Hyderabad to determine the age of the hand writing mentioned on the body of the cheque (Exhibit C3). Vide impugned order, both the applications were dismissed.

Hence, the present petition.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Accused when examined under Section 313 of Code of Criminal Procedure, 1973 had pleaded that the cheque in question had been handed over to the complainant after signing the same, but the body of the cheque was blank. Thereafter, the amount was written by the complainant.

During the course of arguments, it has transpired that CW1 Navjeet Kumar Chouhan had admitted in his cross-examination that the signatures of the accused on the cheque were in green ink, whereas the other body of the cheque had been written in black ink. He also admitted that the body of the cheque had not been filled by the accused. Since CW1 himself has admitted that the body of the cheque was not filled by the accused, no useful purpose would have been served by getting the body of the cheque compared from a hand writing expert. In fact, it appears that the applications have been filed merely to delay the proceedings.

Hence, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

February 09, 2015
m.singh