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

CRM-M-816 of 2015

Date of decision: January 16, 2015

Sanjiv Kumar Jain

.....Petitioner

Versus

Himender Kumar Bhardwaj

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. K.D.S. Hooda, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 24.07.2014 (Annexure P-2) whereby application moved by the petitioner under Section 45 of Indian Evidence Act, 1872, was dismissed.

Learned counsel for the petitioner has submitted that the cheque in question had been stolen and had been misused by the complainant by forging his signatures. Therefore, it was very necessary in the interest of justice to allow the petitioner to examine hand-writing expert qua the signatures on the cheque in question.

Complainant has filed complaint against the petitioner and others qua dishonour of cheque dated 10.05.2007 in the sum of ₹3,33,00,000/-. While leading his defence, petitioner moved an application that he may be permitted to examine the hand-writing expert qua his

signatures on the cheque in question. The plea of the petitioner was that his signatures had been forged on the cheque in question. However, during the course of arguments, it has transpired that when the complainant appeared in the witness box, no question was put to him in his cross-examination that the cheque in question did not bear the signatures of the petitioner or that the same had been forged by the complainant.

In these circumstances, the learned trial Court had rightly dismissed the application moved by the petitioner to allow him to examine hand writing expert. Petitioner could have examined the hand-writing expert to corroborate his defence. However, the defence, now sought to be set up by the petitioner, was never put to the complainant in his cross-examination. It appears that the application has been filed merely with a view to delay the proceedings.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

January 16, 2015
m.singh