

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRR-3548-2015 (O&M)
Date of decision:20.10.2015**

Parvaiz Akhtar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Mohd. Salim, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present petition is directed against the order dated 9.7.2015, whereby learned trial Court dismissed the application of the petitioner for submission of specimen signature/writing as “Alzma as present on postal acknowledgment Ex.C5” for the proper comparison by Handwriting and Finger Print Expert.

Learned counsel for the petitioner submits that as per the opinion furnished by Handwriting and Finger Print Expert at Annexure P-6, it was necessary for the petitioner to move this application, which has been illegally declined by the learned trial Court. He further submits that petitioner will suffer serious prejudice in the absence of getting his specimen signature/writing compared from the Handwriting and Finger Print Expert. He would next contend that since the learned trial Court failed to appreciate this material aspect of the matter, the impugned order has resulted in miscarriage of justice. He prays for setting aside the impugned order, by allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that the instant petition is misconceived and same is liable to be dismissed. The impugned order does not suffer from any jurisdictional error or patent illegality which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction which itself is a limited one.

It is so said, because once the report of Handwriting and Finger Print Expert is already there at Annexure P-6, impugned order does not suffer from any illegality. It is a matter of record that this report was furnished, at the instance of the petitioner. Learned counsel for the petitioner also claims that this report is in favour of the petitioner. If that is so, let the petitioner get benefit thereof, however, once this report was already there, the fresh application moved by the petitioner was rightly dismissed by the learned trial Court, by passing the impugned order and the same deserves to be upheld.

When this matter came up for hearing on 21.9.2015, learned counsel for the petitioner sought time to place on record statement suffered by the petitioner under Section 313 of the Code of Criminal Procedure ('Cr.P.C.' for short), which has been placed on record today vide separate application bearing CRM No.33531 of 2015.

A bare reading of the statement of the petitioner under Section 313 Cr.P.C. (Annexure P-7) would show that the petitioner did not take this plea in his statement under Section 313 Cr.P.C. The learned trial Court has specifically observed in this regard in operative para of the impugned order that the petitioner did not take this plea in his statement under Section 313

Cr.P.C. When confronted this factual aspect of the matter, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Under these circumstances, it can be safely concluded that the learned trial Court has neither exceeded its jurisdiction nor committed any error of law, while passing the impugned order and the same deserves to be upheld for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present petition stands dismissed, however, with no order as to costs.

20.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE