

In the High Court of Punjab and Haryana at Chandigarh

CRR No. 585 of 2015 (O&M)
Date of decision: 20.2.2015

Surinder Singh Sandhu

.....Petitioner

Versus

Gupta Tyre Traders

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.S.S.Chhokar, Advocate for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging order dated 10.11.2014 (Annexure P1) whereby an application moved by the petitioner, for sending the cheque for forensic examination qua writing on the said cheque, was dismissed.

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

In the present case, respondent has filed a complaint against the petitioner qua dishonour of cheque dated 10.2.2011 in the sum of ₹2,37,600/-. During the pendency of the trial, petitioner moved an application that the writing on the cheque in question be got examined from the forensic expert. The plea of the petitioner was that the cheque book containing the cheque in question was issued on 4.9.1998. There was no reason for the

petitioner to have retained the cheque for such a long period.

Trial Court, while dismissing the application, has held that the petitioner had not specifically disputed his signatures on the cheque. Petitioner had disputed the age of the writing on the cheque. Trial Court has further noticed that the respondent had filed another complaint against the petitioner qua dishonour of cheque No. 172915 dated 10.2.2011, whereas, the present cheque was bearing No. 172916 issued on 10.2.2011. Petitioner had effected a compromise with the complainant qua dishonour of cheque No. 172915 dated 10.2.2011. Hence, the plea taken by the petitioner that there was no occasion for him to retain the cheque till the year 2011 stood falsified as another cheque from the same cheque book of the year 1998 had also been issued on 10.2.2011 qua which the petitioner had effected a compromise. In these circumstances, learned trial Court rightly came to the conclusion that the petitioner was estopped from raising any objection qua the age of the writing on the cheque in question and has rightly dismissed the application. No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

February 20, 2015

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