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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: March 17, 2015

+ **CRL.M.C. 4080/2013 & CrI.M.A.14599/2013**

N RAMCHANDRAN Petitioner

Through: Mr. Ramesh Gupta, Senior
Advocate with Mr. Adit S. Pujari,
Advocate

versus

STATE OF DELHI & ANR.Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent-State
with SI Virender Singh &
Inspector Devendra Kumar
Ms. Rebecca John, Senior
Advocate, with Mr. Harsh Bora,
Mr. B. Chauhan, Mr. R. Tyagi &
Mr. Nikhil Ahuja, Advocates for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Impugned order of 18th April, 2013 rejects the application of respondent-State to obtain the specimen handwriting of respondent-accused by resorting to Section 20 of *the Negotiable Instruments Act, 1881*.

Learned senior counsel for petitioner-complainant submits that the

observations made in the impugned order qua Section 20 of *the Negotiable Instruments Act, 1881* are uncalled for as the complaint under Section 138 of *the Negotiable Instruments Act, 1881* is already pending and the FSL report of 31st October, 2012 is inconclusive as adequate facilities are not available at FSL, Delhi to detect the tint and luster of the ink on the cheque in question.

Quashing of order of 11th July, 2013 in FIR No.116/2011 registered at P.S. Sarita Vihar, Delhi for the offences of cheating, forgery, etc. is also sought as vide aforesaid order, a direction has been issued for initiating action under Sections 182/211 of IPC against petitioner-complainant.

Upon notice, learned senior counsel for respondent-accused fairly submits that since the charge-sheet in this FIR case has been filed, therefore, the proceedings under Sections 182/211 of IPC need not be initiated. However, it is submitted that respondent-accused cannot be compelled to give the specimen handwriting and signatures afresh as the same are already available on the trial court's record and the trial court in the impugned order has permitted respondent-State to send the existing handwriting and signatures of respondent-accused for determination of the tint and luster of the ink used on the cheque in question and thus, there is no infirmity in the impugned order of 18th April, 2013.

Upon hearing and on perusal of the impugned orders of 18th April, 2013 and 11th July, 2013, this Court finds that since the specimen handwriting and signatures of respondent-accused are already available on the judicial record, therefore, there is no justification to direct respondent-accused to give fresh specimen handwriting and signatures.

So far as the order of 11th July, 2013 is concerned, the direction to initiate the proceedings under Sections 182/211 of IPC is unwarranted and hence, the order of 11th July, 2013 is hereby quashed.

Ms. Nishi Jain, learned Additional Public Prosecutor for respondent-State, submits that the original handwriting and signatures of respondent-accused and the original cheque in question would be obtained within a period of two weeks from trial court where the proceedings under Section 138 of *the Negotiable Instruments Act, 1881* are pending and thereafter, it would be sent to FSL at Hyderabad for comparison of tint and luster of the ink on the cheque in question.

Let it be so done. The report from FSL at Hyderabad be obtained on priority. Needless to say, the observations made in the impugned order of 18th April, 2013 will not stand in the way of petitioner in proceedings under Section 138 of *the Negotiable Instruments Act, 1881*.

With aforesaid directions, this petition and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 17, 2015

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