

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4187 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 28-12-2015 in CrI.M.P.No.1548 of 2015 in C.C.No.190 of 2014 on the file of VIII Special Magistrate, Erramanzil, Hyderabad, dismissing the petition filed under Section 45 of the Evidence Act to send dispute document Ex.P.7 to an expert opinion for comparison of disputed signatures with the admitted signature was dismissed, which was confirmed by the Metropolitan Sessions Judge, Hyderabad, in CrI.R.P.No.267 of 2015.

The petitioner herein is the accused in C.C.No.190 of 2014 against whom the above case is filed under Section 138 of the Negotiable Instruments Act for dishonour of cheque issued by him. During the course of trial, the petitioner-accused filed the present application under Section 45 of the Evidence Act seeking to send the disputed document i.e. Ex.P.7 to an expert opinion for comparison of disputed signature with the admitted signature, which are in the bottom of the document. The learned trial Judge dismissed the said application, holding that there was no denial regarding the signatures of the accused on the cheques Ex.P.1 and P.3 and that on Ex.P.7 it is not necessary to send Ex.P.7 for comparison of signature to the handwriting expert, only regarding the signature in the second line of Ex.P.7. Challenging the said order, the petitioner preferred CrI.R.P.No.267 of 2015. The learned Sessions Judge, agreeing with the reasons assigned by the trial Judge, dismissed the revision petition by the order dated 08-01-2016. Aggrieved by the said order, the present criminal petition is

filed.

Heard the learned counsel for the petitioner and perused the material on record.

A perusal of the material on record including the orders under challenge would reveal that it is nowhere stated whether the petitioner/accused has taken the plea of disputing the alleged signature on Ex.P.7 at the earliest point of time, in the absence of which no question of sending the disputed signature to expert opinion would arise. However, the reasons assigned by the trial Court as well as the revisional Court in dismissing the petition are but just and reasonable and do not suffer from any infirmity or illegality calling for interference of this Court under Section 482 Cr.P.C., and hence, the criminal petition is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

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RAJA ELANGO, J

Date: 29-03-2016

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