

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.3200 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 07-10-2016 in CrI.M.P.No.388 of 2015 in Cr.No.139 of 2015 of Kasibugga Police Station, on the file of the Judl. Magistrate of I Class, Palasa, Srikakulam District.

2. Heard learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the Station House Officer, Kasibugga Police Station, Srikakulam District registered a case in Cr.No.139 of 2015 against the accused for the offences punishable under Sections 406 and 408 IPC.

4. It is the case of the prosecution that the petitioner/accused collected money from various persons and issued receipts. In order to prove the genuineness of the receipts, the prosecution filed the above CrI.M.P. under Section 311 A of Cr.P.C. seeking permission of the Court to take signatures of the accused in the open Court for comparison. The said petition was allowed. Hence, this revision.

5. A perusal of Section 311 A Cr.P.C. clearly demonstrates that the learned Magistrate has power to order person/accused to give specimen signatures or handwriting. It is not the case of the petitioner that he was not arrested in Cr.No.139 of 2015. As per the principle enunciated in a decision reported in **Rabindra Kumar Pal @ Dara Singh v. Republic of India** (2011 (1) Supreme 356), asking the accused to give his specimen signature or writing for use by handwriting expert is not per se illegal.

6. It is a settled principle of law that the legality, propriety or correctness of an order passed by the trial Court is very foundation to exercise jurisdiction under Section 397 Cr.P.C. This Court can invoke jurisdiction under Section 397 Cr.P.C if the decision under challenge is 1) grossly erroneous, 2) in contravention of a specific provision of law, 3) if the finding is recorded by ignoring the material evidence and 4) if the trial Court exercised its judicial discretion arbitrarily or perversely. The petitioner has not satisfied any one of the conditions stated above.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, there is no illegality or irregularity in the order passed by the trial Court, which warrants interference of this Court.

8. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending, in this Criminal Revision Case shall stand closed.

DATED: 28-12-2016.
Hsd

T.SUNIL CHOWDARY, J