

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.2760 OF 2016

ORDER:

This revision case is filed by the petitioner-appellant under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.) challenging the order dated 25.10.2016 in CrI.MP.No.1988 of 2016 in CC.No.146 of 2015 (Old CC.No.713 of 2015) on the file of the XVI Special Magistrate, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. A perusal of the record reveals that the second respondent filed a complaint under Sections 190 and 200 Cr.P.C. against the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. During the pendency of the trial, the petitioner filed a petition under Section 45 of the Indian Evidence Act to send Ex.P1-promissory note to the Expert for comparison. The trial Court dismissed the said petition. Challenging the same, the present revision case is filed.

4. At the time of arguments, learned counsel for the petitioner submitted that the petitioner is ready to deposit some amount to prove his *bona fides*. Learned counsel for the second respondent submitted that if the petitioner is ready to deposit the entire cheque amount, he has no objection for sending of Ex.P1-promissory note to the Expert for comparison.

5. The entire contention of the petitioner is that Ex.P1-promissory note does not bear his signatures. The contention of the learned counsel

for the second respondent is that Ex.P1-promissory note bears the signature of the petitioner.

6. In order to resolve the issue, I feel it is a fit case to send Ex.P1-promissory note with the admitted signatures of the petitioner to the Expert for comparison. If the petition is allowed without imposing any conditions, the possibility of dragging the matter by the petitioner to the maximum extent possible cannot be ruled out.

7. Having regard to the facts and circumstances of the case, this Court is inclined to set aside the order dated 25.10.2016 in CrI.MP.No.1988 of 2016 in CC.No.146 of 2015 (Old CC.No.713 of 2015) on the file of the XVI Special Magistrate, Hyderabad. Consequently, CrI.MP.No.1988 of 2016 is allowed. The trial Court is hereby directed to send the signatures on Ex.P1-promissory note with the admitted signatures of the petitioner on a condition of depositing a sum of Rs.3,15,000/- (Rupees three lakh fifteen thousand only) by the petitioner to the credit of CC.No.146 of 2015 (Old CC.No.713 of 2015) on the file of the XVI Special Magistrate, Hyderabad, on or before 09.12.2016. If the petitioner fails to deposit the amount as directed by this Court, the order passed by this Court today stands cancelled automatically.

8. The Criminal Revision Case is, accordingly, disposed of. Miscellaneous petitions, if any pending in this criminal revision case, shall stand closed.

(T.SUNIL CHOWDARY, J)

25th November 2016
RRB