

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.14551 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the order dated 18.08.2016 passed in Crl.M.P.No.506 of 2016 in C.C.No.165 of 2013 on the file of Special Judicial Magistrate of First Class, Prohibition and Excise Court at Chittoor, Chittoor District, where-under the learned Magistrate referred the disputed signatures along with the admitted signatures of petitioner to handwriting expert for comparison and opinion.

2. The only contention of the petitioner/accused before this Court is that at the earliest stage i.e., registered correspondence between the parties, he denied borrowing of amount and issuance of cheques by a reply dated 30.07.2011, but the first respondent filed the complaint and after completion of trial and when the matter came up for examination under Section 313 Cr.P.C., the impugned application was filed and the same cannot be entertained at a belated stage.

3. It appears from the order passed by the trial Court that the petitioner issued cheques by affixing his signatures, to the first respondent/complainant. However, he denied the very issuance of those cheques and signatures thereon. In such a case, the only course open to the first respondent is to refer the disputed signatures along with the admitted signatures to the opinion of expert, which is one of modes as per Section 45 of the Indian Evidence Act, 1872 and delay is not a ground to decline such request. The contention of the learned counsel for petitioner is that

prejudice would be caused to the petitioner in case the order is sustained. Causing prejudice alone is not a ground since the serious dispute has to be decided by the trial Court regarding forgery of cheques, more particularly, when the petitioner denied his signatures after alleged borrowing of amount. If the petitioner is sure of that signature on cheques is not that of him, the opinion would be in his favour, it will be helpful to prove his contention also. Therefore, I find no ground to set aside the order passed by the learned Special Judicial Magistrate of First Class, Prohibition and Excise Court at Chittoor in CrI.M.P.No.506 of 2016 in C.C.No.165 of 2013.

4. Hence, the Criminal Petition is dismissed at the stage of admission. Miscellaneous petitions, if any, pending in this criminal petition shall stand dismissed.

M. SATYANARAYANA MURTY, J

17th October, 2016

sj