

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.9489 of 2016

ORDER:-

The petition is filed questioning the return of Crl.M.P.Sr.No.4266 of 2016 in C.C.No.96 of 2014 on the file of II-Additional Judicial Magistrate of First Class, Tanuku, West Godavari.

The petition was filed by the petitioner herein, who is the respondent in C.C.No.96 of 2014, under Section 45 of the Evidence Act for sending the disputed document to the Handwriting Expert. The Office took an objection and returned the said petition on 10.06.2016 observing that no contemporaneous signature is filed. The said petition was resubmitted with a request to the Court to take it on file and give a date for obtaining signature before the Court. The objection of the Court is not about obtaining the signature of the petitioner/respondent in the open Court but the requirement was that the petitioner/respondent has to produce contemporaneous signature of the period in and around the alleged date when the cheque was issued. Therefore, the return made by the Office cannot be said to be untenable.

The Criminal Petition is disposed of directing the petitioner to resubmit the petition by complying with the objection of the Office, dated 10.06.2016, within a period of fifteen days from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

M.S.K.Jaiswal, J

30th June, 2016
Smr/dsr