

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-16500-2016

Date of decision: May 12, 2016

Gourav Kataria

...Petitioner

Versus

Atul Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has impugned order dated 27.04.2016, passed by Judicial Magistrate 1st Class, Abohar, whereby application filed by petitioner for sending the cheque in question to Forensic Science Laboratory for determining age of the ink, has been dismissed.

Learned counsel for the petitioner submits that the court below has erred in dismissing the application. It was necessary to determine age of ink upon the cheque as signatures on the same are old and amount and other writing filled in the cheque are of different ink.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

A complaint was instituted by Atul Gupta (respondent herein) before the court below under section 138 of the Negotiable Instruments Act, a cheque of Rs.5,20,000/- issued by the petitioner was dishonoured. During pendency of complaint, accused/petitioner filed

application for sending the said cheque to Director, Forensic Science Laboratory for determining age and ink of Signature on it. Petitioner disputed the cheque on the ground that his signature on the cheque is with black ink, whereas its other body is filling with blue ink. While dismissing the application, trial court has observed that accused/petitioner has not given any date when cheque in question was signed, therefore, the application is vague.

I find no legal infirmity with the order passed by the court below. It is settled law that age of ink cannot determine date of writing of any document. Therefore, sending the cheque in question to Forensic Science Laboratory would be a futile exercise. Moreover, petitioner had failed to take any defence regarding the date when it was signed by him. Revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 12, 2016
'Rajpal'