

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-31523 of 2013
Date of decision: March 31, 2016.

SSF Multi Marketing Pvt. Ltd.

... **Petitioner**

v.

Satbir Singh

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Mandeep Singh Khillan, Advocate for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Impugned in the present petition is the order dated 30.8.2013 (Annexure P-5) passed by Judicial Magistrate First Class, Karnal vide which an application filed by the petitioner in a complaint under Section 138 of the Negotiable Instruments Act, 1881, praying for the examination of hand-writing and finger print expert to get their signatures on the disputed cheque compared, was declined.

In this case, though the Bank had reported that the account was closed but the accused claimed that the disputed cheque, on the basis of which complaint under Section 138 of the Act has been filed, does not bear his signatures.

The accused has always the right to prove that the cheque, on the basis of which the complaint is filed, does not bear his signatures or his signatures are forged. It being so, the lower court erred in declining the

said prayer. Accordingly, the impugned order is set aside and the accused are allowed to get their signatures compared on the disputed cheque from the handwriting and finger print expert to support their defence. However, it shall be the responsibility of the present petitioner to get the needful done and produce the handwriting and finger print expert before the court without any further delay.

Since the case is at the stage of defence and arguments, therefore, the present petitioner is given three months time to complete their defence evidence regarding comparison of signatures and examination of the handwriting and finger print expert.

The petition is accordingly allowed.

March 31, 2016.
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[Kuldip Singh]
Judge