

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 3133 of 2016 (O&M)
Date of decision: February 11, 2016

S. Harjinder Singh

.... Petitioner..

Versus

S. Harjit Singh Bedi

.... Respondent..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

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

Jaspal Singh, J.

CRM-3818-2016

Documents (Annexures P-7 and P-8) are taken on record,
subject to all just exceptions.

CRM stands disposed of.

Main case

Instant petition has been preferred by Harjinder Singh seeking quashing of order dated December 10, 2015 (Annexure P-4) passed by Additional Sessions Judge, Amritsar whereby revision petition against the order dated July 23, 2015 passed by Judicial Magistrate First Class, Amritsar has been dismissed vide which application for permission to examine handwriting expert for comparing the signatures of respondent-Harjit Singh on the assignment letter, has been declined.

2. The contention of learned counsel for the petitioner is that the assignment letter Ex. D-7 was in possession of petitioner but complainant during cross-examination of Harjinder Singh, when he appeared as his own witness under Section 315 Cr.P.C., has denied the signatures on the same. Thus, he intends to examine hand writing expert to prove his signatures. No doubt, application under Section 311 Cr.P.C. can be preferred at any stage even during appeal but one thing is evident that the additional evidence must be essential for the proper adjudication of the matter in controversy.

3. Here, in the case in hand, a perusal of record transpires that a complaint under Section 138 of the Negotiable instrument Act was instituted on November 11, 2010 and after securing the presence of accused, the complaint was listed for the evidence of the complainant, which was concluded by him and statement of accused was recorded under Section 313 Cr.P.C. on July 03, 2014. Thereafter, the case was listed for defence evidence and ample opportunity was availed by the accused and ultimately he closed his evidence on September 10, 2014. But to the utter surprise, subsequent thereto, he preferred an application under Section 315 Cr.P.C. to appear as his own witness and after considering the same, it was declined by ld. trial court vide order dated September 10, 2014. However, in a revision preferred by the accused, he was granted one opportunity to lead oral evidence. In pursuance thereof, he appeared as his own witness on January 05, 2015. It was only thereafter that the petitioner moved an application seeking permission to examine handwriting expert for comparison of the signatures of Harjit Singh on January 17, 2015 that too, after Harjit Singh-complainant suggested to the petitioner that assignment letter does not bear

his signatures. The assignment letter was well within the knowledge of the petitioner and is in the custody of the petitioner. There is nothing on the record to suggest that it has been produced in the Court earlier. Since, the petitioner has already availed ample opportunity to adduce evidence in his defence, the application for examination of hand writing expert is nothing but appears to have been moved to delay the disposal of the complaint. Moreover, the assignment letter cannot be said to be essential one for the effective and judicious adjudication of the matter in controversy.

4. Thus, this Court does not find any infirmity in the impugned orders passed by both the courts below. The instant petition being devoid of merit, is dismissed.

February 11, 2016
sonika

(JASPAL SINGH)
JUDGE