

CRM-M-3668-2014

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3668-2014

Date of Decision: 27.05.2016

BALBEER SINGH

.....Petitioner

Vs.

M/S GANGA RAM ROSHAN LAL

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rajan Bansal, Advocate,
for the petitioner.

Mr. Sukant Gupta, Advocate,
for the respondent.

KULDIP SINGH, J (ORAL)

Impugned in the present revision is order dated 08.02.2013 (Annexure P-8) passed by the learned Judicial Magistrate Ist Class, Phul vide which the application filed by the accused-petitioner for sending the cheque No. 098224 dated 01.03.2011 for comparison with Cheque No. 098221 dated 15.10.2005 and account opening form dated 01.11.2004, information sheet dated 01.11.2004 to CFSL, Hyderabad to determine the age of the ink of signature of Balbeer Singh. The revision against the said order was dismissed on 16.12.2013 by the Additional Sessions Judge, Bathinda.

Heard.

Learned counsel for the respondent placed on file the reply under RTI received from CFSL, Hyderabad as well as CFSL, Chandigarh in which it is informed that they have informed that there is no technology to determine the age of the ink.

Learned counsel for the petitioner pleads that the signature on Cheque were taken at the time of filling opening of account form and these were filled in later on.

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It being so, it appears that the petitioner want to prove that the signature on the cheque were taken at the time when the account opening form was filled in and that the said cheque was filled in later on. Meaning thereby, the blank cheque was filled in. It being so, the simple report that these writings are different and filled in at different time will be sufficient. This fact can be proved by examining the private expert.

In the circumstances, the present petition is partly allowed to the extent that the petitioner is allowed to examine the private expert to examine the said document and prove the facts which he want to claim in his defence.

If such evidence is led, the complainant shall be entitled to cross examine the said witness with the help of an expert to rebut the said report.

If the accused want to produce the expert, he shall supply the report of the expert, at least 15 days before the date fixed so that the complainant can also engage the expert to rebut the report. For this purpose only two opportunities will be given to the petitioners.

May 27, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**