

CRM-M-7233-2016**254****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-7233-2016****Date of Decision: 12.05.2016****SHASHI SHARMA****... Petitioner****VS.****JAGAN NATH GAUTAM****...Respondent****CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

Mr. Ankur Lal, Advocate,
for the respondent.

1. *Whether Reporters of Local Newspapers 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?*

KULDIP SINGH, J (ORAL)

Heard.

It comes out that in this case the complaint under Section 138 of Negotiable Instruments Act, 1981 is pending before the lower Court. An application was moved by the accused for taking specimen handwriting of the complainant and sending the same to the laboratory alongwith document Ex. D1. The case is stated to be fixed for defence evidence.

The Illaqa Magistrate, Faridabad vide order dated 20.01.2016 has dismissed the application for giving directions to the complainant to give his specific handwriting and sending the same to laboratory alongwith the document Mark D/Ex. D1, on the ground that science of handwriting is not exact and accurate science and that while giving specimen to the expert, the person would not give his original handwriting knowing the fact that the same would be used for comparison by the handwriting expert.

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I am of the view that the accused is to be afforded proper opportunity to lead the evidence and when one wants to get specimen signature of the complainant for comparison, the same could not be declined for the reasons mentioned by the lower Court.

Learned Counsel for the petitioner states that the complainant admits the signatures on the sale deed Ex.D1 is in his favour. However, on query by this Court, the learned counsel for the respondent has shown his willingness to give specimen signature of the complainant before the lower Court. However, his prayer is that the accused want to delay the proceedings. The same can be taken care of by this Court by giving appropriate directions.

In such circumstances, the present revision is allowed. The complainant is directed to furnish his specimen handwriting before the lower Court on the next date of hearing. Thereafter, the accused shall be entitled to examine private handwriting expert to prove the report submitted by him. However, the report of the expert be supplied to the opposite counsel atleast 15 days in advance so that there is no unnecessary delay in cross examination of the witness.

In view of the above, the present revision is allowed.

**[KULDIP SINGH]
JUDGE**

May 12, 2016

Suresh Kumar