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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 808/2014

MANMOHAN BANSAL Petitioner
Through Mr.Tanmaya Mehta, Adv.

versus

STATE Respondent
Through Mr.M.P. Singh, APP for the State.
Mr.S.K. Sethi, Adv. with Ms.Dolly
Sharma, Adv. with respondent no.2 in
person.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

% **ORDER**
05.08.2016

The present petition under Section 482 of the Cr.P.C. has been filed by the petitioner against the order permitting the secondary evidence.

It has been submitted by learned counsel for the petitioner that one of the charges framed was under Section 467 of the IPC which was on the basis of the four cheques alleged to have been issued for 15th September, 2001 but even in the absence of the original cheque, the court is proceeding under Section 467 of the IPC.

Learned counsel for the petitioner has further admitted that it is settled law that no conviction can take place for the forgery of the valuable security without the original document on record.

The arguments advanced by learned counsel for the petitioner is that application under Section 65 of the Evidence Act has been allowed for the secondary evidence by producing the photocopy which cannot be made the basis for the conviction.

In the facts and circumstances of the case, this Court is of the considered opinion that mere filing of the photocopy would not tantamount to proving the same.

The present petition is, therefore, disposed of with the observation that the petitioner would be at liberty to raise the question submitted before this Court, at any point of time.

P.S.TEJI, J

AUGUST 05, 2016/aa