

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

+ **CRL.M.C.3781/2014**

Date of Decision: May 10th, 2016

HARISH

..... Petitioner

Through **Mr.R.S.Juneja, Adv.**

versus

STATE OF DELHI

..... Respondent

Through **Mr.Amit Chadha, APP for the State.**
Insp.C.B.Singh, PS: Krishna Nagar.
Mr.Sunil Kapoor, Adv. for
Complainant.

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

P.S.TEJI, J.

1. The present petition under Section 482 Cr.P.C. has been filed by the petitioner, namely, Sh. Harish, against the impugned order dated 16.05.2013 vide which the application filed by the petitioner seeking permission to take photographs of the suicide note and admitted handwriting of the deceased, which was produced by Ms.Suman (sister-in-law of the deceased) apart from seeking opinion of handwriting expert, was dismissed.

2. It is pertinent to mention here that earlier an application with a similar prayer moved by the petitioner, had been dismissed by the learned ASJ vide order dated 07.11.2009 opining that the accused may lead the evidence regarding the suicide note being in the handwriting

of the deceased at the stage of defence evidence. All the issues related to alleged suicide note and admitted handwritings, till that stage, were examined by the court.

3. The admitted facts are that the wife of the petitioner was found dead at her matrimonial home on 15.06.2005 under suspicious circumstances. The case of dowry death includes homicidal death as well as suicidal death. After 92 days of the incident, an alleged suicide note was produced in the court at the time of hearing of bail applications of the accused persons. No admitted signatures of the deceased except her signatures on an LIC policy could be found for next five years; FSL has already opined that this sample (signature on LIC policy) is insufficient to give an opinion regarding handwriting on the alleged suicide note; the other alleged admitted handwriting of the deceased (produced by Ms.Suman, sister-in-law of the deceased) was filed in the court after five years of the incident though the same is a paper of the same diary on which the alleged suicide note was written. The application was contested by the complainant and two accused persons. All the three claimed that the alleged admitted handwriting of the deceased is not her handwriting at all.

4. Moreover, the applicant, in his defence, was required to bring a document which could be treated as a reliable 'admitted' handwriting and preferably a document created/maintained by a third party not having any interest in the matter. Two of the accused are claiming that this suicide note is not in the handwriting of the deceased. These persons have known the deceased for the same period as the other accused persons. The complainant has known the deceased and her

handwriting for a period more than the accused persons and, therefore, the claim of the accused/applicant or his relative regarding the handwriting of deceased cannot be considered over and above the knowledge of complainant regarding the handwriting of the deceased. In view of the evidence brought on record and the fact that there was no document in the handwriting of the deceased, which can be treated as her admitted handwriting, it was observed by the learned ASJ that no fruitful purpose would be served by sending the alleged suicide note for handwriting examination since even if the handwriting expert gives a report that the two documents are in the in handwriting of the deceased, it shall still not be proved that both are actually in the handwriting of the deceased. Also, the opinion on the admitted handwriting of the deceased i.e. signature on the LIC policy being already available from the FSL to the effect that it is insufficient to give an opinion regarding handwriting on the alleged suicide note, the said document cannot be again sent for an opinion to a non-governmental authority, as prayed by the petitioner/applicant.

I do not find any infirmity or illegality in the reasoned order dated 16.05.2013 passed by the learned ASJ so as to call for any interference by this court.

The present petition is accordingly dismissed.

(P.S.TEJI)
JUDGE

MAY 10, 2016
dd/dm