

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20440 of 2014

Arising Out of PS.Case No. -72 Year- 2006 Thana -SITAMARHI COMPLAINT CASE District-SITAMARHI

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Md. Nasim Akhtar S/o late Abdul Jalil resident of village Madaripur, P.S. Bajpatti, Distt. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Badre Alam
3. Kamre Alam Both sons of late Md. Khalil resident of village Dharampur, P.S. Nanpur, Distt. Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-09-2017

Heard learned counsel for the petitioner, State and opposite party No. 2.

The limited prayer of the petitioner in the instant case is that the admitted document as contained in Annexure-3 series should be sent for opinion of the handwriting expert and the documents as contained in Annexure-3 series are the documents on record signed by the opposite party No. 2.

Learned counsel for the appellant submits that the signature obtained on the plain paper does not reflect the natural handwriting and the opinion of the expert based on such signature is not true reflection of the actual handwriting of the opposite party



No.2.

Counsel for the opposite party No. 2 submits that the opinion of the expert does not call for any interference and there is no occasion for sending the document as contained in Annexure-3 series for the opinion of the handwriting expert.

Having heard the parties and on consideration of the fact that Annexure-3 series are the documents duly signed by opposite party no. 2 and if opinion of the expert is obtained on Annexure-3 series, then it may inspire confidence of the petitioner in the expert opinion and dispensation of justice.

In the aforesaid circumstances, I direct the court below to take steps for opinion of the handwriting expert on Annexure- 3 series at the cost of the petitioner and on the condition of deposit of Rs. 5000/- for sending the documents contained in Annexure- 3 series for opinion of the handwriting expert with a condition that if the opinion of the handwriting expert tallies with the previous report then Rs. 5000/- deposited by the petitioner shall be forfeited otherwise, it would be returned after receipt of opinion of handwriting expert.

With the aforesaid condition, the application stands allowed. The Court below is directed to take steps for the opinion of the handwriting expert on the documents contained in



Annexure-3 series at the earliest preferably within three weeks from the date of production/receipt of a copy of this order.

With the aforesaid observation, the application stands disposed of.

(Anil Kumar Upadhyay, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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