

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**REVP No. 136 of 2017**

1. Pramod Tiwari S/o Late Lallan Tiwari Aged About 45 Years R/o Near Mahaveer School, Gudhiyari Police Station Gudhiyari Civil & Revenue District Raipur Chhattisgarh.
2. Shyam Lal Agrawal S/o Late Madanlal Agrawal Aged About 39 Years R/o Hotel Honey, Khamtarai, Police Station Khamtari Civil & Revenue District Raipur Chhattisgarh.

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home, Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.
2. Superintendent Of Police, Raipur District Raipur Chhattisgarh.
3. Station House Officer, Police Station City Kotwali District Raipur Chhattisgarh .
4. Anjay Shukla, S/o Late Vijay Shankar Shukla Aged About 56 Years R/o 31 / 250, Civil Lines, In Front Of Chief Minister, Police Station Civil Lines, Raipur Civil & Revenue District Raipur Chhattisgarh.

**---- Respondents**

**(By Circulation in Chamber)**

**SB : Hon'ble Shri Justice Rajendra Chandra Singh Samant, J**

**Order**  
**(09/11/2017)**

1. The matter is taken up for consideration in the Chamber as per provisions of sub-rule (2) of Rule 90 of Chapter-VI of the High Court of Chhattisgarh Rules, 2007.
2. This review petition is preferred by the petitioner seeking review of the order dated 11.10.2017 passed by this Court in WPCR No.296/2016.
3. It is submitted in the application that the report of forensic expert dated 3.6.2014, clearly states that it cannot be said that the cheques in

question were not signed by the respondent No.4. Further, the dispute between the party is connected with commercial transaction, hence, it is civil dispute, which cannot be taken up in a criminal proceeding. This fact had to be taken note of that respondent No.4 has not proceeded under Section 138 of the Negotiable Instruments Act. Therefore, for these reasons, it is prayed that the impugned order be reviewed and an order be passed in favour of the petitioner quashing FIR registered against him.

4. A review petition can be considered on limited grounds as provided under Order 47 of Rule 1 of Code of Civil Procedure (for short 'CPC'). In other words, a review can be made only on the basis of discovery of new and important material or evidence which could not be produced earlier by the party, because the same even after the exercise of due diligence, was not within his knowledge. Secondly, on account of some mistake or error apparent on the face of the record or for any other sufficient reason for which the review of the order passed becomes necessary.
5. In this case, the ground on which review has been sought is that the report of forensic expert has been erroneously appreciated by this Court. The opinion of the State Examiner of Questioned Document dated 15.10.2014 has been appreciated in true sense. In the said report it is clearly mentioned that the author of the signatures marked as S-1 to S-38 (the complainant) is not the author of the questioned documents i.e. cheques in question, hence, there had been no error in appreciating the report of the handwriting expert.
6. As regards the other grounds raised, the same have also been considered in proper perspective and the matter has been disposed off accordingly. The cheques in question having disputed signature being found in possession of the petitioners just for the reason that author of

said cheques is not disclosed to quash the FIR and applicants are required to defend the allegation against them and explained circumstances in this regard.

7. Accordingly, this petition is without any substance which is dismissed accordingly.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
JUDGE

**Nisha**