

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.691 OF 2010

JUDGMENT:

The present Criminal Revision Case is preferred by the petitioner, who is accused in C.C. No.143 of 2009 on the file of the learned Special Judicial Magistrate of First Class (Prohibition & Excise), Visakhapatnam, challenging the order, dated 15.03.2010, passed by the learned Magistrate in CrI.M.P. No.1105 of 2010 in the aforesaid Calendar Case, whereby and where-under, the request made under Section 45 of the Indian Evidence Act, 1872 to send the disputed document to the Hand-writing Expert for second opinion was refused dismissing the application.

2. Heard Sri Aravala Rama Rao, learned counsel for the revision petitioner, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

3. The learned Magistrate referring to the ruling in **Sreenivasulu v. N. Prakash Reddy¹** and extracting the paragraph Nos.14, 17 and 18, while observing that the Hand-writing Expert was not examined in the said Calendar Case and nothing is to be found to discredit the opinion of the Hand-

¹. 2009 (4) ALD 745

writing Expert and the document was earlier sent to the Hand-writing Expert at the instance of the revision petitioner - accused himself, and merely because of the reason that the report was given against him, he cannot seek second opinion, dismissed the said application.

3. To seek opinion of Hand-writing Expert for the second time, on the mere ground that the first Hand-writing Expert did not give favourable opinion to a party, is no ground to allow him to send the document to another Hand-writing Expert, unless the report is shown to have tainted with some sort of influence by opposite party or there has been a total deviation. Therefore, there is no merit in the present Criminal Revision Case. The order under challenge does not warrant any interference.

4. Accordingly, the Criminal Revision Case is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the criminal revision case, stand closed.

December 14, 2017.
Mgr

A. SHANKAR NARAYANA, J