

THE HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2225 of 2017

ORDER:

This petition is filed seeking to quash the order dated 28-01-2014 CrI.MP.No.21 of 2016 in CC.No.548 of 2014 dated 28-01-2016 on the file of Additional Judicial First Class Magistrate, Sanga Reddy, Medak District.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The petitioner's counsel contends that the cheque in question was given to the husband of the complainant as security and that the same was misused and hence the opinion of the expert is required. The Court below appreciated the facts of the case and dismissed the petition. The contention of the petitioner's counsel that the cheque was not given for discharge of any legally enforceable debt and it was given for security needs no examination at this stage. But the opinion of the expert would not help him to prove any of the said contentions. The expert would at the best make a comparison of the admitted signature of the accused and the signature on the disputed cheque, the signature on which is not disputed and also admitted. When the signature on the cheque is not disputed, and when it is the contention that the same was issued for security purpose, there would be no purpose served by calling for an expert opinion. He would only say that they pertain to the petitioner. The facts that are urged by the petitioner's counsel, have to be proved by adducing evidence, which is relevant to prove the said fact.

4. Hence with the observation, the Criminal Petition is dismissed.

JUSTICE T. RAJANI

Date: 25.10.2017

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