

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.28452 of 2017
Date of Decision : 04.08.2017**

Joginder Singh

.....Petitioner

Versus

Anish Aggarwal

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Divyjit S. Sandhu, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This application is directed against the order dated 14th June, 2017, passed by the Ld. Judicial Magistrate 1st Class, Kapurthala in Complaint Case No.NACT 6771/2013 dated 6th February, 2012.

Vide the impugned order, the Ld. Magistrate had rejected the application filed on behalf of the petitioner, who is the accused in the aforesaid Complaint Case for the offence under Section 138 of the Negotiable Instruments Act, 1881. In the application, the petitioner had sought verification/comparison of the handwriting over two documents being Ex.C-9 and Ex.D-4. It was his case that the deposit slip, under which a cheque issued by the complainant, was deposited in his account, was not in his own handwriting, but by some other person at the instance of the complainant, who cleverly withdrew the money from the account subsequently, and then misused another cheque,

already in his custody on the basis of which, the complaint was subsequently started.

The Ld. Magistrate in rejecting the petitioner's application, made the following observations, *inter alia*;

“I am of the considered opinion that the instant application is nothing but a sheer abuse of the judicial process, as the applicant has miserably failed to satisfy this Court that how his request for verification and comparison of the handwriting upon the above said documents is even remotely connected to the cheque in question. The instant case pertains to cheque No.072560 of 28.12.2011 and not to the cheque bearing No.898031 of 01.06.2011. The instant application, in its present form, only appears to be a dilatory tactic of the accused/applicant to delay the proceedings of this case and the same needs to be curbed in its very inception. In the event of the complete absence of there being any connection of the instant application with the cheque in question, the same stands dismissed.”

This Court is in agreement with the decision of the Ld. Trial Court. The dispute in the case relates to the dishonoured cheque itself, and not any other document.

Consequently, the instant petition filed under Section 482 of Cr.P.C. is dismissed.

August 04, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No