

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

**Criminal Misc. No.M-30096 of 2017 (O&M)
Date of Decision: August 18, 2017**

Ranjit Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others.

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Veneet Sharma, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is petition filed under Section 482 Code of Criminal Procedure (for short-Cr.P.C.) for modifying the order dated 02.11.2016 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Amritsar, dismissing the application filed by the petitioner under Section 311 Cr.P.C.

Most of the relief claimed in the application (Annexure P-2) were allowed by the trial Court.

Learned counsel for the petitioner submits that trial Court declined the permission to examine handwriting expert to submit the report regarding comparison of standard signature of complainant on the sale deed with his signatures on the receipt produced on file of civil suit.

The application (Annexure P-2) filed by the petitioner before the trial Court appears to be self contradictory. In para 8 of the application, petitioner has alleged that original agreement, *Patta* and receipts are in

possession of the accused, which they have deliberately not produced. Regarding these documents, accused have taken the plea that they are not in possession of the same.

Learned counsel for the petitioner submits that some receipts were produced and proved on the file of civil case and the petitioner wants to get his signatures as well as of Sital Singh compared with their signatures on those receipts.

On perusal of application under Section 311 Cr.P.C. filed by petitioner, I find that no such relief has been claimed in the application. At this stage, learned counsel for the petitioner submits that application filed before the trial Court is not happily worded and he seeks permission to move fresh application before trial Court.

Keeping in view the above facts, this petition is disposed of with liberty to the petitioner to move fresh application before the trial Court making out a case for examination of hand-writing expert by mentioning the documents on which the opinion is required to be sought and the trial Court on filing of such application, will look into and decide the same on merits, not guided by the observations made in order dated 02.11.2016.

August 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***