

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.459 OF 2018

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioner-accused seeking to quash the order dated 19.08.2017 passed in CrI.M.P. No.1004 of 2017 in C.C. No.531 of 2015 on the file of the I Additional Judicial Magistrate of First Class, Sattenapalli, Guntur District, wherein the learned Magistrate dismissed the application filed by the petitioner to send the subject promissory note to the handwriting expert.

2. Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor appearing for the 1st respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner-accused would submit that the order passed by the Court below is erroneous, illegal, irregular and flagrant violation of law; the Court below erroneously held that the petitioner admitted his signature on the subject promissory note; therefore, no case is made out to send the subject promissory note to the handwriting expert; the truth or otherwise of the execution of the subject promissory note would come to light after opinion of the handwriting expert; and ultimately, prayed to allow the application as prayed for.

4. On the other hand, learned Additional Public Prosecutor opposed the relief sought for by the petitioner.

5. As per the record placed before this Court, the petitioner has admitted the signature on the subject promissory note and contended that it was given as security. Now in the Calendar Case, it is contended that the subject promissory note was a forged one. The subject original promissory note was filed in O.S. No.242 of 2015 pending on the file of the

IV Additional District Judge, Guntur, and it is not available in C.C. No.531 of 2015. Only a certified copy of the subject promissory note is available in the impugned C.C. A certified copy of the promissory note cannot be compared with the admitted signatures. The Court below had recorded these reasons while declining the request made on behalf of the petitioner herein. There is no infirmity in the impugned. The petition is devoid of merit and it is liable to be dismissed.

6. Accordingly, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Date: 07-03-2018

siva

Dr. SHAMEEM AKTHER, J

