

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.184 of 2018

ORDER:

Heard learned counsel appearing for petitioner and after hearing her, this Court is of the opinion that the Criminal Revision Case can be disposed of at the admission stage without the necessity of issuing notice to respondents.

2. The Criminal Revision Case is filed by the petitioner/accused aggrieved by the order dated 12.1.2018 in CrI.M.P.No. 3 of 2016 in C.C.No. 603 of 2011 whereby and whereunder the trial Court dismissed the application filed by her under Section 45 of Indian Evidence Act seeking to send Ex. P1/cheque to A.P. Forensic Laboratories, Red Hills, Hyderabad to compare the handwriting of the petitioner on Ex. P1.

3. The contention of the petitioner before the trial Court was that the handwriting of Ex. P1 does not belong to her and only the signature of which belong to her and she signed on the cheque in or about the year 2007 and it was given to one Kunchala Ankaiah. Hence, to establish the said fact, the petitioner sought to send document Ex. P-1 to an expert. The respondent/complainant opposed the petition. The trial Court dismissed the petition on the observation that the petitioner admitted her

signature on Ex. P-1 only, but denied her handwriting on the cheque on the plea that it was issued to one Kuncham Ankaiah along with another blank cheque in connection with chit business in the year 2007, but not in favour of the respondent/complainant and those two cheques were misplaced on 6.3.2008 and since the petitioner admits her signature on Ex. P-1 and since she has not produced any evidence to the effect that she in fact issued Ex.P-1 and also another blank cheque to one Kunchala Ankaiah and the same was misplaced, there was no point in referring Ex. P-1 to an expert.

4. On perusal of the order of the trial Court, I find no illegality or perversity therein for, it is beyond comprehension and scope of the expert to determine whether the petitioner had in fact issued the cheque to one Kuncham Ankaiah and the same was misplaced or not. Since there is no illegality or irregularity in the order impugned, the Criminal Revision Case is dismissed.

5. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 30.01.2018
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