

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.11342 of 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused aggrieved by the order dated 03.11.2017 in CrI.M.P.No.3439 of 2017 in C.C.No.290 of 2016 passed by learned First Special Magistrate, Hyderabad in dismissing the petition filed under Section 45 of Indian Evidence Act to send the material documents to M/s.Kashyap International Forgery Detection Bureau, New Delhi for examination of the age of the ink on the entries and signatures on Exs.P1 and P7.

2) The said petition was dismissed mainly on the observation that petitioner had not filed any document to ascertain that M/s.Kashyap International Forgery Detection Bureau, New Delhi is having such an expertise in determining the age of the ink nor did he file the decisions of the Supreme Court or the High Courts acknowledging the fact that M/s.Kashyap International Forgery Detection Bureau is having such an expertise.

3) Sri Ch.Ravinder, learned counsel for R2 present and opposed the petition.

4) The submission of learned counsel for petitioner is that CrI.M.P.No.3439 of 2017 is in fact an offshoot of the order in CrI.M.P.No.755 of 2017 which was filed by the petitioner seeking

the same relief. The trial Court by its order dated 13.04.2017 while allowing the petition referred the said Ex.P1—cheque and Ex.P7—promissory note to the Director of Forensic Science Laboratory, Hyderabad to determine the age of the ink by the concerned expert. However, A.P. Forensic Science Laboratory has returned the documents stating that it was not possible to ascertain the age of the ink and the signatures/Paper/Writings/Ink. Therefore, on knowing that M/s.Kashyap International Forgery Detection Bureau, New Delhi was undertaking the ink determination test in their laboratory, the petitioner had filed CrI.M.P.No.3439 of 2017 and the same was dismissed by the trial Court without ascertaining the fact whether the said agency is capable of conducting the said test.

5) In these circumstances, this Court is of the view, the matter can be remitted back to the trial Court directing it to ascertain from M/s.Kashyap International Forgery Detection Bureau, New Delhi as to whether the said agency can undertake the required test and submit an authenticated report.

6) Accordingly, this petition is disposed of and the matter is remitted back to the trial Court with a direction to the trial Court to address a letter to M/s.Kashyap International Forgery Detection Bureau, New Delhi to ascertain whether the said agency can undertake the test to ascertain age of the ink on Exs.P1 and P7 and on getting the positive reply from the said agency send those

documents for ascertaining the age of the ink. It should be noted, in case the said agency expresses its inability to conduct such test the trial Court shall close the CrI.M.P.No.3439 of 2017.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 24.04.2018
Murthy

