

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

131

CRM-M No.17396 of 2018

Date of Decision: April 26th, 2018

Ranjit Singh

...Petitioner

Versus

Veer Pratap Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sukhbir Singh Tiwana, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 09.04.2018 passed by Judicial Magistrate Ist Class, Dera Bassi, by which an application preferred by the petitioner for leading additional evidence, has been dismissed.

It is the contention of learned counsel for the petitioner that the case of the petitioner-complainant was that the signatures, which have been found on the cheque in question, was of the respondent and the cheque had been signed in the presence of the complainant but now the respondent is denying the same. He contends that the petitioner only wants to examine a Handwriting Expert to prove that the signatures on the cheque are that of the respondent. Petitioner is also ready and willing to pay cost to the respondent. He contends that the complainant would be gravely prejudiced in case the present application, which has been moved for examining the signatures of the accused on the cheque in question from document expert, is not allowed.

Having considered the submissions made by counsel for the petitioner, I do not find myself in agreement with the said submissions.

As is apparent from the order which has been passed by the

learned trial Court that from the very outset, respondent-accused had disowned the signatures on the cheque in question. Petitioner was, therefore, aware of the factum that the respondent is not going to accept the said signatures. While he was leading evidence, he should have taken care to prove the signatures on the cheque to be that of the respondent. As per the order passed by the trial Court, not only the statement of the respondent under Section 313 Cr.P.C. but his evidence also stands concluded. At this stage, therefore, the present application cannot be allowed in the given facts and circumstances.

The order as passed by the trial Court cannot be faulted with as the same is in accordance with law.

The petition, therefore, stands dismissed.

April 26th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No