

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27349 of 2018

Date of Decision: 04.07.2018

Sumitra & anr.

...Petitioners

Versus

Jagat Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sandeep K. Sharma, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through the instant petition, prayer has ben made for setting aside order dated 01.06.2018 (Annexure P-6) of the learned Judicial Magistrate (Ist Class), Rohtak, whereby their application for examination of handwriting/fingerprint expert for comparison of signatures of petitioner No.1 on the cheque in question with her signatures on the Vakalatnama, interlocutory order and bank documents, was dismissed.

In nutshell, the petitioners are facing trial in a complaint case under Section 138 of the Negotiable Instruments Act. After examination of six witnesses in defence, the petitioners moved application aforesaid for examining handwriting/fingerprint expert for comparison of signatures of petitioner No.1 on cheque with her signatures on other documents, which has been dismissed vide impugned order dated 01.06.2018.

Relying upon the decision of Apex Court in Kalyani Baskar Vs. M.S. Sampooram, 2007(1) RCR (Criminal) 311 and T. Nagappa Vs. Y.R. Muralidhar, 2008 (3) RCR (Criminal) 926, learned counsel for the petitioners *inter alia* contends that accused has a legal right to rebut the case of their opponent leading cogent evidence. Learned trial Court has failed to appreciate that handwriting/fingerprint expert sought to be examined by the petitioners would resolve the entire controversy as to whether the cheque in

person.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioners, this Court finds that the instant revision is completely devoid of any merit for the reason that signatures of petitioner No.1 on Vakalatnama and interlocutory orders cannot be made basis of comparison of her signatures on the cheque in question inasmuch as it may be clever act of manipulation of signature of petitioner No.1 by the petitioners.

The trial Court has observed that petitioner No.1 did not deny her signatures upon the cheque in question. Any cogent and convincing evidence led by a person cannot be permitted to be rebutted by his opponent through examination of a handwriting/fingerprint expert, in view of the fact that handwriting/fingerprint expert always gives report in favour of the person, who engages him. No case as yet has come to the knowledge of this Court, where any handwriting/fingerprint expert has given his report against the wishes of the person, who engaged him.

For comparison of signatures, Courts are the best experts. Therefore, there is no necessity to examine any handwriting/fingerprint expert by the petitioners, which, in all circumstances, would be a futile exercise.

The facts and circumstances of the above-mentioned citations relied upon by learned counsel for the petitioners are not identical to the facts of the present case, rather are distinguishable. Therefore, no benefit of the same can be given to the petitioners.

Dismissed.

04.07.2018

monika

Monika Verma
2018.07.10 14:29
I attest to the accuracy and
integrity of this document

Whether speaking/reasoned
Whether Reportable

(RAMENDRA JAIN)
JUDGE

Yes/No
Yes/No