

CRM-M-28017 of 2016

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

CRM-M-28017 of 2016
Date of Decision:30.08.2018

Joga Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Bhavesh Aggarwal, Advocate,
for Mr. Ashish Aggarwal, Advocate, for the petitioner.
Mr. Amandeep S. Gill, DAG, Punjab.
Mr. Ritesh Pandey, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing order dated 30.05.2016 (Annexure P-6) of the trial Court, whereby application of the petitioner for examining handwriting and fingerprint expert has been dismissed.

In nutshell, respondent No.2 filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner, in which he was summoned to face trial. During trial, petitioner moved application for examining handwriting and fingerprint expert to prove that he never issued the cheque in question. After contest from both sides, said application of the petitioner has been dismissed vide impugned order dated 30.05.2016.

Learned counsel for the petitioner *inter alia* contends that examination of handwriting and fingerprint expert is very much necessary in view of the fact that respondent No.2-complainant misused the cheque by

issuing his own name, though it was blank and issued in the name of one

Major Singh.

CRM-M-28017 of 2016

Having considered the submissions made by learned counsel for the petitioner, this Court finds that the instant petition is completely devoid of any merit for the reasons to follow.

The petitioner has not denied his signature on the cheque in question in cross-examination and in his statement under Section 313 Cr.P.C. as well, rather he admitted the same.

Whether the cheque in question was issued by the petitioner in favour of respondent No.2 or not is the matter of appreciation of evidence by the trial Court.

Handwriting and fingerprint expert cannot prove transaction between the parties as he was not present at the relevant time.

In view of above, petition is dismissed.

August 30, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No