

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

Sr. No.136

CRM-M-48236 of 2018
DECIDED ON: October 30, 2018

ASHRAF

..PETITIONER

VERSUS

JASWANT GOYAL

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Shilak Ram Hooda, Advocate,
for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved by the order dated 18.10.2018 (P-4), whereby the trial Court has dismissed his application for rejection of report dated 21.10.2017 of the Finger Print Expert.

The petitioner is an accused in a complaint filed under Section 138 of Negotiable Instruments Act, 1881. During the course of trial, the complainant moved an application for examination of handwriting expert, but the same was rejected vide order dated 09.03.2016 (P-5). The revision against the said order was dismissed vide order dated 18.02.2017 (P-6) by the Additional Sessions Judge, Mewat. Yet, the handwriting expert has been examined as CW-3 and has been cross-examined by the petitioner-accused. On 17.10.2018, an application was filed for rejection of the report of handwriting expert and the same has been dismissed vide impugned order dated 18.10.2018 (P-4).

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Learned counsel for the petitioner submits that the report dated 21.10.2017 of the handwriting expert is liable to be struck off from the record because the same has been obtained without permission of the Court and without obtaining any specimen signatures of the petitioner. Further, for obtaining the said report, proper procedure prescribed by law, has not been followed and thus, trial Court erred in passing the impugned order.

A perusal of the impugned order shows that the trial Court has left it open to the petitioner to argue the illegality of the report dated 21.10.2017 of the handwriting expert at the time of arguments. Moreover, on being asked, learned counsel for the petitioner has not been able to point out any provision prescribed under the Code of Criminal Procedure, 1973, whereby evidence brought on record, can be struck off.

Thus, the rights of the petitioner, have been safeguarded. The petition is without merit and is dismissed.

October 30, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No