IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.5038 of 2018
Date of Decision: February 6th, 2018

Jai Bhagwan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order passed by the learned Additional Chief Judicial Magistrate, Bhiwani, dated 12.01.2018 vide which an application moved by the accused (respondent No.2 herein) to allow Handwriting Expert to take photograph of the signatures of the accused appearing in document Exhibit P-1 which is an inventory depicting the receipt of articles by the accused from the petitioner.

Counsel for the petitioner contends that its an admitted position that the document Exhibit P-1 was available on the records and had always been the part of pleadings as well which document was not disputed by the accused except for a suggestion put to the petitioner at the time of his cross-examination that document Exhibit P-1 is a forged one. He contends that as to the nature of forgery and the manner in which it has been carried out has not even been suggested and, therefore, merely on the basis of a vague suggestion given with regard to a document being forged cannot be sufficient enough to grant the prayer as has been made by respondent No.2-accused for permitting the Handwriting Expert to photograph the signatures of the accused existing on Exhibit P-1 with an intent to compare the same with that of the standard signatures available on the file of the case. He contends that the intent and purpose of the respondent is to delay the

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proceedings and that too at the belated stage after the cross-examination of the petitioner stands concluded. He, therefore, prays for setting aside the impugned order dated 12.01.2018 passed by the trial Court.

I have considered the submissions made by learned counsel for the petitioner and having gone through the impugned order, I find myself not in agreement with the contentions of learned counsel for the petitioner.

The occasion on which the petitioner could have disputed the authenticity of the document was in cross-examination. Prior thereto, it was the examination-in-chief of the petitioner where the petitioner had put the document Exhibit P-1 in evidence. Once the authenticity of the document is disputed by the accused and he is at this stage leading his evidence is fully justified in moving an application for allowing the Handwriting Expert to take the photographs of the signatures of the accused appearing on document Exhibit P-1 which is relied upon by the petitioner to project the liability of the accused. A suggestion given by the accused to the petitioner clearly points out non-acceptance of the document and the veracity thereof and with that intent in mind to prove it to be one which is not an authentic document, the remedy available to respondent No.2 has been availed by him. The impugned order dated 12.01.2018 as passed by the learned Additional Chief Judicial Magistrate, Bhiwani, therefore, cannot be faulted with.

Finding no merit in the present petition, the same stands dismissed.

February 6th, 2018 **(AUGUSTINE GEORGE MASIH)**
Puneet **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

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