

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

**CRR No. 1946 of 2016 (O&M)
Date of decision: 24.09.2018**

Chanan Singh

...Petitioner

Versus

Harjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. K. B. S. Mann, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the order dated 29.04.2016, vide which, an application filed by the petitioner for leading additional evidence was dismissed by the trial Court.

Learned counsel for the petitioner submits that after the petitioner/complainant has closed his evidence, the respondent/accused has examined one V. B. Bhatnagar as DW-1 who is a private handwriting and fingerprint expert. However, during his cross-examination, this witness has stated as under:

“It is correct that I have no formal education or degree/diploma in the field of forensic science. Voluntarily stated that I have obtained training certificate of the above said science from Sri B.B. Bhatnagar, document Expert, Delhi. Beside this, I have been trained by my father named late Sh. Inder Bhushan Bhatnagar, Document Expert, Sunam.”

Learned counsel for the petitioner has further submitted that in

order to rebut the aforesaid statement, the petitioner/complainant had moved an application to examine a handwriting expert which had been erroneously dismissed by the trial Court by passing the impugned order.

In reply, learned counsel for the respondent/accused submitted that the objection of the petitioner that DW-1 is not possessing requisite qualification and whether his statement can be read in evidence, is yet to be decided by the trial Court while deciding the main case.

After hearing learned counsel for the parties, I find no merit in the present revision petition.

It has been held by the trial Court that while leading evidence, the petitioner/complainant though in the list of witnesses has mentioned to examine a handwriting expert, however, without examining any such expert, he has closed his evidence and, therefore, the case of the petitioner/complainant does not fall within the four corners of the provisions of Section 311 Cr.P.C. as only ground taken in the application is that accused has examined DW-1 so the petitioner be permitted to examine handwriting expert.

However, it is clarified that the trial Court, while passing the final judgment, will take into consideration the qualification/admissibility of the statement of DW-1.

With the aforesaid modification, present revision petition stands disposed of.

September 24, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*