

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.181 of 2015

Mahesh Maloo, S/o Shri Nandlal Maloo, aged about 35 years, R/o 27, K.M.
Stone Village Badoda, Bhandara Road, Nagpur, District Nagpur (Maharashtra)
(Accused)
(Revisioner)
---- Petitioner

Versus

Maheshvari Coal Benefication & Infra Pvt. Ltd., Through its Director, Anil Mudra,
S/o Vishnu Gopal Mudra, aged about 45 years, R/o House No.33, 16 Kholi,
Tikarapara, Bilaspur, P.S. City Kotwali, Bilaspur, District Bilaspur (C.G.)
(Complainant)
---- Respondent

AND

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---- Respondent

For Petitioner:	Mr. Pragalbha Sharma, Advocate.
For Respondent:	Mr. Aditya Tiwari, Advocate on behalf of Mr. Anand Shukla, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/05/2019

1. In a complaint filed under Section 200 of the CrPC, the accused / petitioner herein at the fag end of trial filed an application for examination of the questioned cheque by handwriting expert which has been rejected holding that though the complainant has been cross-examined thoroughly, but the question with regard to the cheque having not been issued under

the signature of the accused has not been raised and which has been upheld by the revisional Court against which these petitions under Section 482 of the CrPC have been preferred.

2. Learned counsel for the petitioner submits that the orders of both the Courts below are unsustainable and bad in law.
3. On the other hand, learned counsel appearing for the respondent / complainant, would support the impugned order.
4. I have heard learned counsel for the parties and went through the record with utmost circumspection.
5. The petitioner / accused has questioned the signature on the questioned cheque and has also in paragraphs 24 and 25 of his deposition has questioned the complainant to the effect that he has not issued the cheque under his signature. Therefore, it is a case where the examination of the questioned cheque is required by the handwriting expert. Both the Courts below have committed legal error in rejecting the application by refusing the examination of the said questioned cheque by handwriting expert. Therefore, the impugned orders passed by the trial Magistrate dated 14-11-2014 and affirmed by the revisional Court dated 12-2-2015 are set aside. The petitioner is at liberty to get the questioned document examined by the handwriting expert expeditiously and file the report before the trial Court in accordance with law. It shall be done within a period of three weeks from today, as the matter is pending since 20-9-2012.
6. Both the petitions finally stand disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge