

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.71 of 2011

ORDER :

Heard both sides in the revision and perused the impugned order, dated 07.01.2011, of the learned VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, in CrI.M.P.No.6968 of 2010 in C.C.No.1588 of 2007, which is transferred to XIX Additional Chief Metropolitan Magistrate Court, Secunderabad, and re-numbered as C.C.No.128 of 2011, which was an application filed under Section 91 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), to send for certain documents after Section 313 Cr.P.C. examination while entering into defence by accused *viz.*, Exs.P-1 to P-10 saying accused denied the execution of Ex.P-8 - Agreement of Sale and also Exs.P-9 & P-10 - original receipts in relation to which, the respondent/complainant already filed O.S.No.1069 of 2007 before the District Judge, L.B.Nagar, Ranga Reddy District, for specific performance of the contract for sale and it is necessary to execute the Agreement of Sale and the receipts along with the cheque to expert by summoning those documents from that civil Court for opinion.

2. Same was opposed in the counter of complainant saying in the cross-examination, it is the contention referring to the notice under Ex.D-3 including by suggestion of misused by the complainant the blank document in his possession with ulterior motive for illegal gain and to return back the signed blank documents *viz.*, blank pronote, non-judicial stamp paper worth Rs.100/-, blank cheque and blank white paper to the accused, as claimed in the notice and having regard to the above, when the

signatures not in dispute, there is no necessity of sending the documents to expert, which contain the admitted signatures.

3. Having regard to the above, there is nothing to impugn the reasoned order of the lower Court running in seven paras in four pages in dismissing the application, but for any other available remedy to work out, if at all to impugn the liability under the cheque containing the signature allegedly obtained in blank.

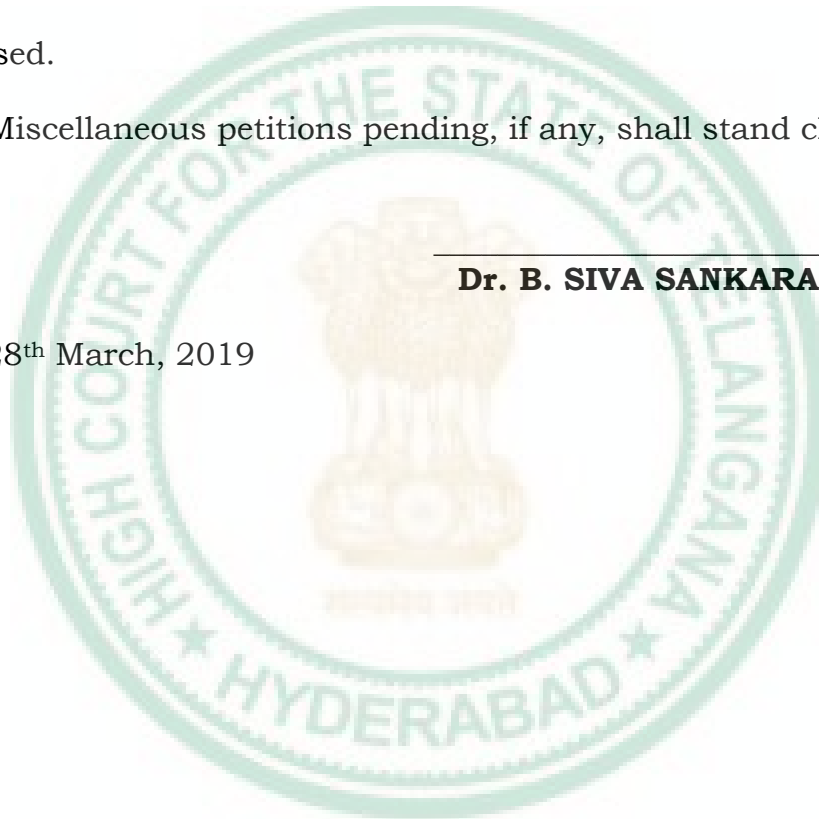
4. With the above observations, the Criminal Revision Case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

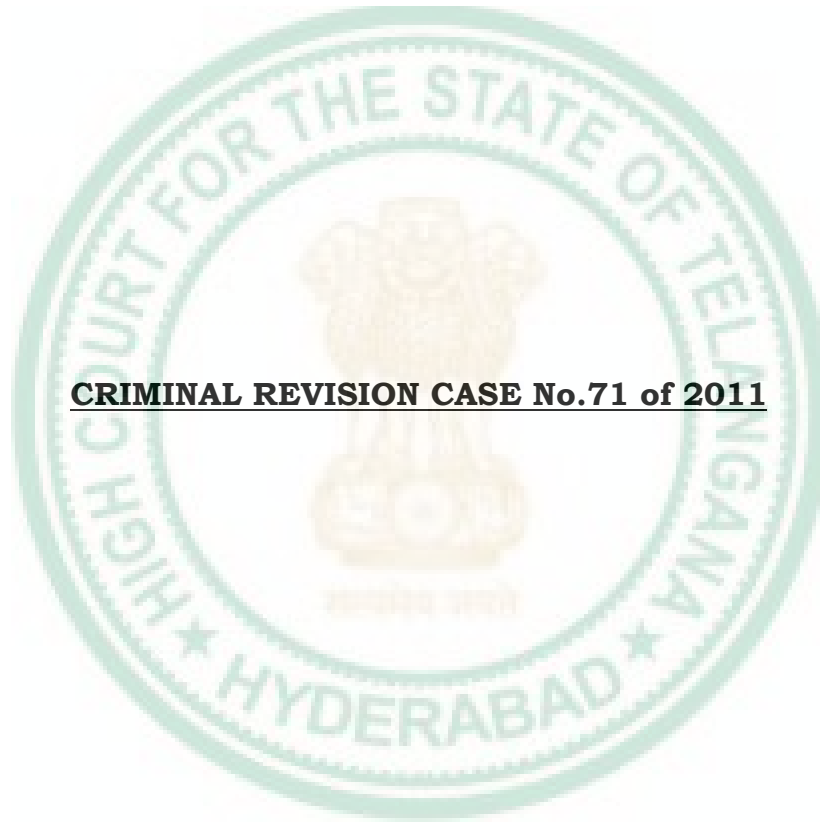
Date: 28th March, 2019

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