

HON'BLE JUSTICE G.SRI DEVI

CRL.R.C.No.500 of 2019

JUDGMENT:

This Criminal Revision Case is directed against the order passed in Crl.M.P.No.1511 of 2018 in C.C.No.38 of 2015 dated 29.03.2019 on the file of the III-Additional Judicial Magistrate of First Class, Khammam.

The 1st respondent-complainant filed a complaint against the revision petitioner/accused for the offences under Sections 138 and 142 of the N.I Act read with Section 420 of I.P.C. before the III-Additional Judicial Magistrate of First Class, Khammam and the same was numbered as C.C.No.38 of 2015. In the said case, evidence on both sides was closed and the matter is coming up for arguments. At that stage, the revision petitioner/accused filed the present Crl.M.P.No.1511 of 2018 for sending the original cheque-Ex.P1 to the Hand Writing Expert for comparison of signature on the cheque with the admitted signature of the revision petitioner/accused. The trial Court, on a consideration of the entire material available on record, dismissed the said petition by order dated 29.03.2019. It is against this order, the present revision is filed by the revision petitioner/accused.

Heard both sides and perused the material available on record.

A perusal of the evidence of P.W.2-Bank Manager shows that the cheque-Ex.P1 belongs to the revision petitioner's account and the cheque was returned with an endorsement 'insufficient funds', but not for differing the signature. Section 73 of the Indian Evidence Act empowers the Court to compare the disputed handwriting/signature with the admitted signature of any party before it and as such the trial Court, on comparison of the signatures, observed that the disputed signature appearing on the cheque-Ex.P1 and the standard signatures on his chief-affidavit and on his cross-examination deposition are in the same handwriting. Further, in the present case, the evidence on both sides was closed and the matter is coming up for arguments and at this stage, the revision petitioner/accused filed the present petition only to protract the proceedings. Hence, the order impugned in this revision does not suffer from any material irregularity or illegality.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G.SRI DEVI

14-06-2019

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