THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE Nos. 544 and 545 of 2019

COMMON ORDER:

These Criminal Revision Cases, under Sections 397 and 401 of Code of Criminal Procedure, 1973, are filed by the petitioner-accused, challenging the common order, dated 02.05.2019, passed in Crl.M.P.Nos.3004 and 3005 of 2018 in Crime No.444 of 2012 on the file of the Judicial Magistrate of First Class at Nakrekal.

2. Heard the learned counsel for petitioner-accused, the learned Additional Public Prosecutor representing respondent No.2-State and perused the record.

3. Crl.M.P.No.3005 of 2018 was filed by the petitioner/accused seeking a direction to the Bank Manager, SBI, V.T. Colony, Nakrekal branch to produce his account opening form and other relevant record, having his specimen signatures, in order to facilitate him to take steps to send the same to Central Forensic Science Laboratory, Hyderabad. Crl.M.P.No.3004 of 2018 was filed to send the disputed Ex.P1/cheque, having his alleged signature in it, to the same Central Forensic Science Laboratory, Hyderabad to compare the same with his admitted signatures in the account opening form and other relevant record in order to elicit the truth. It was contended that as the petitioner is denying his signature in Ex.P1-cheque, it is just and necessary to allow the petitions.

4. The 1st respondent/complainant filed his counter in the said petitions and contended that the disputed Ex.P1/cheque issued by the petitioner was deposited by him in the bank and it was returned by bank authorities with an endorsement of insufficient funds and not for mismatching the signature of the accused on the cheque. Hence, it is crystal clear that the signature on Ex.P1-cheque belongs to the accused only and a false plea has been raised by the

petitioner that his signature was forged on the disputed cheque. It is further submitted that the two petitions are filed at the fag end of the trial to drag on the case proceedings only, which is an abuse of process of law and accordingly, prayed for dismissal of the two petitions.

5. After hearing both the parties, the trial Court *vide* common order, dated 02.05.2019 had categorically held that admittedly the disputed Ex.P1/cheque was dishonoured for insufficient funds and not for mismatching the signature of the accused on the cheque, which means the bank authorities, where the accused is maintaining his account, verified the signature of accused in Ex.P1/cheque with his specimen signatures in the account opening form and other records available with them and after satisfying the same only they accepted his signature, but the funds were not available in the account maintained by him, returned the said Ex.P1/cheque with an endorsement of "insufficient funds". Hence, even if the said account open form and other records of accused available in the said bank are directed to be produced, no purpose would be served. In the said order, it was further held that both the petitions were filed by the petitioner/accused to drag on the case proceedings only and it is mere abuse of process of law and it should not be forgotten that handwriting expert evidence is an opinion only. As the petitioner has not produced any convincing or cogent evidence on record to believe the contention that the disputed Ex.P1-cheque was misused by the 1st respondent/complainant by forging his signature in it, both the petitions were dismissed by the trial Court.

6. In view of the categorical findings of the trial Court, this Court finds that the revision petitioner failed to show any illegality, irregularity or incorrectness in the impugned order. There is no sufficient ground to interfere or to set aside the impugned order and the trial Court rightly dismissed the said petitions. Therefore, the revision petitions are liable to be dismissed.

7. Accordingly, the Criminal Revision Cases are dismissed at the stage of admission.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

06.06.2019
ssp