

HON'BLE JUSTICE G. SRI DEVI

CRL.R.C. No.546 of 2019

ORDER:

This Criminal Revision Case is filed by the petitioner/appellant challenging the common order dated 15-04-2019 in Crl.M.P.Nos.27 and 28 of 2019 in Crl.A.No.1027 of 2016, passed by the II Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District.

2. On perusal of the record, it seems that the petitioner/appellant had filed an application Crl.M.P.No.27 of 2019 under Section 45 of the Indian Evidence Act, 1872 before the lower Court, *inter alia*, stating that the 1st respondent/complainant filed a false case against her on baseless allegations and misused the cheque under Ex.P-1. She submits that the said cheque was not issued by her to the 1st respondent/complainant and as some of her cheques along with other documents were lost in the car of one Narsireddy who is the friend of her husband. She further submits that her husband has forgotten hand bag in the said car while taking liquor with Narsireddy. On the next day morning, her husband called Narsireddy for the hand bag which was left in the car. However, Narsireddy stated that no bag was left in the car. Thereafter, due to the disputes arose between her husband and the said Narsireddy, Narsireddy gave one of the cheques to the 1st respondent/complainant and the 1st respondent/complainant along with Narsireddy fabricated all the writings and signatures on the cheque and

filed the present case along with false allegations. She further submits that in order to confront the same, it was necessary to send the disputed Ex.P-1 to the Forensic Science Laboratory (FSL) to ascertain the fact that whether the writings and signatures appear in Ex.P-1 are fabricated or not by comparing with the admitted signatures and writings of the petitioner/appellant, and therefore she prayed to send Ex.P-1 to FSL for expert's opinion.

3. Another petition Crl.M.P.No.28 of 2019 was also filed by the petitioner/appellant before the lower Court under Section 391 Cr.P.C., *inter alia*, stating that the lower Court has not allowed her to produce the evidence. Therefore, she was put to a great loss. Accordingly, it was prayed to give an opportunity to her to produce further evidence.

4. The lower Court vide common order dated 15-04-2019, after hearing rival contentions of both the parties, dismissed both the petitions. The relevant portion of the order passed by the lower Court is extracted hereunder:

“Nothing is mentioned in the petition filed under Section 391 Cr.P.C.; who are the witnesses going to be examined on behalf of appellant and what is the further evidence that is intended to be adduced. Only a blanket order is sought for to adduce further evidence. Therefore, it is liable for dismissal. The lower Court observed that accused not made any efforts to disprove the Ex.P-1. it is important to note that no evidence was adduced to show how the Ex.P-1 cheque went into the hands of P.W.1. The relationship between P.W.1 and Mr. Narsireddy is not established. On Ex.P-1, the name of accused is printed; so, it is very clear that the cheque was issued on the bank account of accused. It seems only to drag

on the proceedings, petition under Section 45 of the Indian Evidence Act, 1872, is filed. In the reply given by accused under Ex.P-5, the name of Mr. Narsireddy is not mentioned; so also, how, the Ex.P-1 cheque went into the hands of P.W.1. In the above circumstances, both the petitions are liable for dismissal.”

5. Heard. Perused the petitions filed by the petitioner/appellant before the lower Court, so also the impugned order passed by the lower Court.

6. As rightly pointed out by the lower Court, in the petition filed under Section 391 Cr.P.C., there was no mention by the petitioner/appellant as to whom she intended to examine and also what further evidence was intended to be adduced through the witnesses. So far as the other petition is concerned, there was also no mention about the relationship between the 1st respondent/complainant and the said Narsireddy. There was also no mention as to on which date the husband of the petitioner/appellant left the bag and the documents in the car of Narsireddy and whether her husband had taken any steps against the said Narsireddy for not returning the bag left in the car. Thus, the lower Court, after going through the contents of the petitions filed by the petitioner/appellant, has rightly dismissed the same.

7. The facts were well within the knowledge of the petitioner/appellant during the course of trial and she had not taken any steps at that stage, which apparently seems that, the petitioner in order to drag on the proceedings, had come up with the aforesaid applications, which were rightly rejected by the learned lower Court.

8. Therefore, I do not find any merit in the Revision Case. The petitioner/appellant failed to show any irregularity or incorrectness or impropriety in the impugned order. I do not find any sufficient ground to interfere or set aside the impugned order. Therefore, Criminal Revision Case is liable to be dismissed.

9. Accordingly, the Criminal Revision Case is dismissed at the admission stage itself.

Date: 06.06.2019
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JUSTICE G.SRI DEVI

