

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12499-2018 (O&M)

Date of decision:29.01.2019

Bhagirath

.....Petitioner

versus

Daya Nand

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioner.

Mr. Priyanshu Kamra, Advocate for the respondent.

Kuldip Singh, J. (Oral)

Heard.

The present petition has been filed under Section 482 Cr.P.C. for setting aside/quashing of the order dated 02.02.2018, passed by learned Judicial Magistrate Ist Class, Abohar (Annexure P-5), vide which an application filed by the petitioner under Section 311 Cr.P.C. for seeking permission to lead evidence by way of examination of Varun Gagneja-Handwriting Expert, was dismissed.

Reply on behalf of the respondent has been filed in the Court today and the same is taken on record.

It comes out that in a complaint under Section 138 of Negotiable Instrument Act, accused had taken a plea that the complainant has interpolated the figures of the year written in the cheque from 2013 to 2014. For this purpose, he examined the expert namely Anil Kumar Gupta. The

said expert was cross-examined by counsel for the complainant with the help of another expert. Now the complainant wants to examine said Handwriting Expert-Varun Gagneja in additional evidence.

I am of the view that allegations are of interpolation of the year which could be visible to naked eye. Therefore, examination or cross-examination of expert by the complainant will be useless exercise. In case of interpolation of the year, the Court is always at liberty to examine the same independent of the opinion given by the expert to see whether there is any interpolation or not.

Accordingly, petition is dismissed.

However, trial Court shall always be at liberty to itself examine the documents to see whether there is an interpolation of the year or not.

(KULDIP SINGH)
JUDGE

29.01.2019

anju rani

Whether speaking/ reasoned:

Yes

Whether Reportable:

No