

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 15170 of 2019
Date of Decision:-04.04.2019**

Amandeep Kaur

...Petitioner

Versus

Pooja Rani

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Hem Raj Bhardwaj, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Petitioner Amandeep Kaur has filed this petition under Section 482 Cr.P.C. for setting aside the order dated 19.3.2019 (Annexure P-6) whereby her application seeking permission for examination of Finger Print/Hand Writing Expert in her defence evidence, has been dismissed.

A complaint case under Section 138 of Negotiable Instruments Act, 1881 was brought by respondent on the ground that to discharge the liability towards a friendly loan of Rs.4,00,000/-, advanced by the respondent, a cheque bearing No.000002 dated 19.5.2017 for a sum of Rs.4,00,000/- was issued by the petitioner, which had dishonoured and consequently the proceedings in the complaint were initiated by the

respondent.

The complainant is alleged to have discharged the onus by adducing entire evidence and when the case was fixed for defence evidence, the petitioner moved the application for examination of the Hand Writing Expert in order to compare the writing on the cheque.

Learned counsel for the petitioner contends that the said evidence is essential for the effective adjudication of the case. He has placed reliance upon the decision dated 04.4.2018 passed by co-ordinate Bench of this Court in CRM-M-41541-2015 titled 'Vaneet Kapoor vs. Rajiv Kumar', wherein a similar prayer was allowed.

I have considered the submissions made by learned counsel and has examined the decision given by this Court in aforesaid Vaneet Kapoor's case.

In the present case, the cheque was dishonoured on account of 'insufficient funds' and the signatures on the cheque were not disputed. The only issue raised by learned counsel is variation in the hand writing in the rest of the body of the cheque, which, according to him, is not filled up by the accused. The trial Court has categorically observed that there is no question put to the complainant regarding any variance in the hand writing on the cheque. The decision, which is relied upon, may not be strictly applicable to the facts of this case as in that case the signatures were also disputed by the accused on the disputed instrument of cheque. Even otherwise, simply because the cheque is filled up in a different hand, may not be enough to make the cheque invalid, particularly when the signatures

are not disputed.

In view of the above, no ground is made out for interference with the impugned order dated 19.3.2019 (Annexure P-6) passed by the trial Court.

The petition is hereby dismissed.

April 04, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No