

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

205

CRM-M-37432-2017 (O & M)

Date of Decision:19.08.2019

Manjit Singh

...Petitioner

Versus

Bhupinder Jeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Kumar Walia, Advocate for the petitioner.

None for the respondent.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C. to challenge the order dated 05.07.2017 (Annexure P-8) passed by the Appellate Court whereby the application under Section 391 Cr.P.C. filed by the accused (convict) to re-examine Mani Jain, Document Handwriting and Finger Print Expert, Ambala, by way of additional evidence, stood declined.

Learned counsel for the petitioner contends that the cheque in question though dishonored on account of insufficient funds but the instrument was not signed by him. He has referred to his standard signatures. Statement of petitioner under Section 313 Cr.P.C, which reads as under:-

“Q. Do you want to say something?

Ans. Yes, the complaint filed by Bhupinder Jeet Singh is totally false and bogus. The cheque Ex.C-1 does not bears my signature and the same is not filled in my hand-writing. Bhupinder Jeet Singh has forged and impersonated himself and the said signatures on alleged cheque do not tally with the standard signatures of accused. I never received any payment from Bhupinder Jeet Singh for sending his son Ramandeep Singh to America.”

He submits that in his defence evidence handwriting/finger

print expert was examined by the accused, however, the said evidence was

discarded by the trial Court on the ground that the signatures of the accused on the cheque in question were compared from standard signatures as contained on the power of attorney and other documents produced before the trial Court. He submits that since the handwriting expert did not compare the signatures from the other signatures available with the Bank record, therefore, the said evidence was ignored. He submits that the evidence now sought to be adduced by way of additional evidence is crucial and the Appellate Court has committed a serious error in declining the application.

After hearing learned counsel for the petitioner, this Court finds that the provisions of Section 391 Cr.P.C. cannot be invoked in a mechanical manner much less to fill up the lacuna. It is not in dispute that ample opportunities were granted to the accused to lead his evidence and he indeed led his evidence and examined the witness. Merely because the trial Court has not found the said evidence in favour of the accused, it cannot be taken as a ground for allowing the additional evidence on behalf of the accused at the appellate stage to controvert the said finding with fresh evidence.

A perusal of the impugned order reveals that the Appellate Court has correctly appreciated the material on record and has rightly declined the application.

No ground is made out for invoking the inherent powers under Section 482 Cr.P.C.

Dismissed.

19.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No