

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

CRM-M-24795-2019 (O&M)
Date of Decision:-29.5.2019

Pritam Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nishan Singh Chahal, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 19.4.2019 whereby an application filed by the prosecution directing the petitioner to furnish a specimen signatures has been accepted.
2. I have heard learned counsel for the petitioner.
3. The controversy in the present case pertains to an agreement dated 4.12.2012 entered into between the parties wherein an amount of ₹2.25 lakhs was received by the accused. The prosecution had earlier moved an application dated 16.7.2016 (Anneuxre P-1) before the trial Court seeking direction to be issued to the accused so as to admit or deny his signatures on the writing dated 4.12.2012 and as

regards endorsement pertaining to receipt of ₹2,25,000/-. Further, a prayer was also made therein that in case, the accused does not admit his signatures then he be directed to furnish specimen handwriting and signatures. Learned trial Court vide order dated 14.8.2017 dismissed the application. The concluding paragraph of the aforesaid order reads as follows:-

“In the present case, the writing in question is not a mere document, rather it is basic and material evidence and the burden is on the prosecution to prove the said writing and alleged signatures of accused by producing cogent and forcible evidence and as such accused cannot be asked to admit the writing in question or his signatures thereupon. Then onus is always upon the prosecution to prove each and every fact including the documents in question by leading cogent and relevant evidence to establish the guilt of accused beyond shadow of reasonable doubt. In view of the above mentioned reasons, present application stands declined. Now to come up on 01.09.2017 for prosecution evidence”

4. Thereafter the trial Court proceeded further and prosecution evidence was concluded and after recording statement of accused under Section 313 Cr.P.C. the matter was posted for recording

defence evidence. It was at that stage that an application dated 25.3.2019 (Annexure P-3) was moved by prosecution seeking issuance of direction to the accused to furnish specimen handwriting and signatures. The said application was allowed by the Trial Court vide order dated 19.4.2019 which has been assailed by the petitioner/accused, by filing this petition.

5. Learned counsel for the petitioner has submitted that the application could not have been allowed as a similar prayer had already been dismissed by the trial Court vide order dated 14.8.2017. It has further been submitted that since the application has been filed at highly belated stage i.e. at the stage of defence evidence, it is apparent that the same has been filed to fill up lacuna and in these circumstances the same ought to have been dismissed by the Trial Court.
6. I have considered aforesaid submissions. As regards the earlier application dated 16.7.2016 (Annexure P-1), a perusal of the same shows that the same was mainly for calling upon the accused to admit or deny his signatures. Although a prayer was also made that in case the accused denies his signatures then he be asked to furnish his specimen signatures and handwriting, but the learned trial Court not having chosen to call upon accused either to admit or deny his signatures on the writing dated 4.12.2012, the question of directing him to furnish specimen signatures consequent upon his denial did not arise. In these circumstances the dismissal of the earlier application would not be a bar for the prosecution to file an

application seeking issuance of direction to accused to furnish specimen signatures and handwriting.

7. In any case Section 311-A of Cr.P.C. empowers the Trial Court to direct the accused to furnish specimen signatures or handwriting if the Court is satisfied that it is expedient to direct so. Since in the present case, the entire controversy hinges around the authenticity of the writing dated 4.12.2012, the opinion of a Handwriting Expert in respect of handwriting and signatures would certainly help the Court to reach at just decision. In these circumstances, although the application was filed belatedly, this Court finds that the evidence sought to be led would help the Trial Court to reach at just decision. This Court does not find any infirmity in the impugned order dated 19.4.2019 and the same is upheld. There is not merit in the revision petition and the same is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

29.5.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No