

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

**CRM-M No. 30762 of 2019
Date of Decision:-22.07.2019**

Davinder Singh

...Petitioner

Versus

Hardeep Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for setting aside the order dated 23.4.2019 (Annexure P-4) passed by the trial Court in a complaint No.94 dated 18.10.2016 titled 'Davinder Singh vs. Hardeep Singh' under Section 138 of Negotiable Instruments Act, 1881, whereby it has dismissed the application of the complainant for appointing Hand Writing expert.

Learned counsel for the petitioner contends that the accused in his evidence examined hand writing expert to set up defence that cheque in question in the complaint under Section 138 of Negotiable Instruments Act, 1881 brought by the petitioner (complainant) was not signed by him. It is submitted that in the light of the evidence of the defence, it would be in the interest of justice if the petitioner/complainant is allowed to examine his own hand writing expert to prove the signatures of the complainant on the

instrument.

It is not disputed by learned counsel that the evidence of the prosecution was adduced and at the time no hand writing expert was examined and his evidence was closed. Merely because the defence has examined the hand writing expert, this alone may not be sufficient to grant an opportunity to the complainant to examine his hand writing expert. A perusal of impugned order reveals that the trial Court has rightly declined the prayer made by the complainant.

Resultantly, this Court does not find any merit in the petition.

Dismissed.

July 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No