

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.1939 of 2019.

Date of Decision: September 18, 2019.

Ranjit Singh

.....Petitioner

versus

Joginder Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Kulbir Singh Sekhon, Advocate, for the petitioner.

Mr.Vikas Bishnoi, Advocate, for the respondent.

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Anil Kshetarpal, J. (Oral)

This revision petition has been filed by the accused against the order dated 17.07.2019 passed by the Judicial Magistrate, 1st Class, Jalalabad declining the permission to examine the hand-writing and finger print expert so as to get examine the signatures on the cheque in question with the signatures on the registered sale deed dated 28.05.2007. At that time when the application was moved, the case was fixed for defence evidence. Learned Court has dismissed the application by recording that the best evidence available to the accused-applicant would be to get the signatures compared with the standard signatures lying in the bank record.

In the considered view of this Court, the learned JMJC has not examined the prayer made in the application in proper perspective. It is undisputed that the trial is at the stage of defence evidence, therefore, the accused has a right to lead evidence. The Court is well within the power to reject the examination of irrelevant evidence. However, it cannot force the defence to lead the evidence in a particular manner.

Keeping in view the aforesaid fact, the order under challenge is set-aside and the learned JMIC is requested to permit the petitioner to examine the hand-writing and finger print expert in his defence evidence.

The petition stands disposed of accordingly.

Parties through their counsel are directed to appear before the trial Court on the date already fixed, i.e., 25.09.2019.

September 18, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No