

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

CRM-M-36051-2016 (O&M)

Date of decision : 03.04.2019

Mukesh

...Petitioner

Versus

Jagdish

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Sharma, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Accused in a case under Section 138 of the Negotiable Instruments Act is challenging the order passed by the learned Judicial Magistrate Ist Class, Faridabad refusing permission to get the signatures present on the cheque in question compared with the specimen signatures.

It has been recorded by the Court that the petitioner did not take defence that the impugned cheque does not bear his signatures.

Learned counsel for the petitioner has drawn attention of the Court to the statement of the accused in pursuance to notice of accusation.

In answer to the question, accused-petitioner had submitted as under:-

“Q. Did you issue the cheque in question and whether it bears your signature?”

Ans. Neither I had issued any cheque in question in favour of the complainant nor it bears my signature.”

Thus, apparently, Judicial Magistrate, Ist Class has not

correctly looked into the statement of the accused in response to notice of accusation.

Accordingly, the order under challenge is set aside and necessary permission is granted to the petitioner to get his signatures present on the cheque in question compared with his specimen signatures to be given in the Court in the presence of Judicial Magistrate.

Accordingly, the present petition is allowed.

03.04.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No