

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P.No.1436 of 2020**

Ramesh Kumar, son of Late Purshottam Das Chanday, aged about 50 years, Proprietor Maa Sharda Traders, resident of Village Jevra, Police Station Pulgaon Chowki Jevra Sirsa, Tehsil and District Durg, Chhattisgarh

----- **Petitioner**

Versus

Smt.Sarita Sarawagi, wife of Shri Govind R. Sarawagi, aged about 49 years, resident of 61B, Maitri Vihar Supela Bhilai, Police Station Supela, Tahsil and District Durg, Chhattisgarh

----- **Respondent**

For Petitioner : Mr.Vijay Kumar Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/12/2020

1.By way of this petition, the petitioner calls in question the order dated 18.3.2020 (Annexure P-1) passed by the Seventh Additional Sessions Judge, Durg, in Criminal Revision No.71/2020, by which the Court below affirmed the order dated 17.2.2020 passed by the Judicial Magistrate First class, Durg, in Complaint Case No.7326/15, whereby the petitioner's opportunity to lead evidence has been closed by the trial Magistrate.

2.Learned counsel for the petitioner would submit that the petitioner is an accused standing trial for offence punishable under Section 138 of the Negotiable

Instruments Act, 1881 and examination of handwriting expert-Smt.Sunanda Dhenge has been refused and the petitioner's opportunity to lead evidence has been closed by the trial Magistrate. He would further submit that since the matter is fixed before the trial Court on 26.12.2020, therefore, the petitioner be permitted to examine handwriting expert-Smt.Sunanda Dhenge before the trial Magistrate on that day.

3. Be that as it may, since the trial is on the verge of completion, subject to payment of cost of ₹7500/- to the respondent/complainant, the trial Court would permit the petitioner to examine handwriting expert-Smt.Sundnada Dhenge on 26.12.2020. The petitioner will keep the witness present for examination on that day and cost will be paid to the complainant before examination of handwriting expert-Smt.Sundnda Dhenge. No further opportunity would be granted.
4. With the aforesaid observation, the CrMP stands finally disposed of.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-