

117.

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

CRR-75-2020 (O&M)

Date of decision: 14.01.2020

ARVINDER SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Viney Saini, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition impugning the order dated 16.10.2019 passed by learned Additional Sessions Judge, Hoshiarpur whereby on an application filed by the petitioner-accused seeking permission to examine the disputed/questioned handwriting and signatures of deceased Sukhwinder Kaur with her standard handwriting and signatures through the handwriting expert, was dismissed.

After hearing learned counsel for the petitioner and perusing the order dated 16.10.2019, this Court finds that there is no illegality in the order passed by the learned Additional Sessions Judge. The petitioner has prayed for grant of permission to examine the disputed/questioned handwriting and signatures of the deceased-Sukhwinder Kaur with her signatures on the note pad Ex.DW/4 and the marriage register Ex.DW/1. While dismissing the application, the learned Additional Sessions Judge has clearly observed that the suicide note executed by the deceased bears her signature in English,

whereas the accused has prayed for comparison of her signatures on the marriage register Ex.DW/1 and those signatures are in Punjabi and therefore, those signatures being in Punjabi cannot be considered to be admitted signatures. In para 6 of the order, the learned Additional Sessions Judge has further observed that the document Ex.DW/1 is the photocopy of marriage register adduced in defence evidence which bears the signatures of Sukhwinder Kaur, but the same cannot be allowed to be compared by the expert since it is not original copy and is a mere photocopy. In this manner, the signatures being on photocopy cannot be allowed to be compared by the handwriting expert. While dismissing the application, the learned Additional Sessions Judge has observed as under:-

“6. Heard. Record perused. Record shows that Ex.DW/1 is the photocopy of the marriage register adduced in defence evidence which bears signatures of Sukhwinder Kaur, but the same cannot be allowed to be compared by the expert since it is not original copy and is a mere photocopy. The said signature being on photocopy cannot be allowed to be compared by the handwriting expert. The next document sought to be compared is Ex.DW/4. It is contended that DW-2 has tendered the same into evidence. Perusal of said statement of DW-2 shows that she deposed that on one day Sukhwinder Kaur was sitting in her house and was writing something on the last two pages of note pad which is Ex.DW/4 and she identified the handwriting of Sukhwinder Kaur on the last two pages of the note pad since she had written the said pages in her presence. But in my opinion, the testimony of DW2 Jagir Kaur is yet to be appreciated by the court at the time of final decision after reading her cross-examination also. At this stage, it cannot be said that document Ex.DW/4 produced in evidence by DW-2 is admitted handwriting of the deceased Sukhwinder

Kaur. Therefore, the same cannot be allowed to be compared by the handwriting expert. Hence in view of the reasons as above and finding no merits in the application, same is ordered to be dismissed.”

In view of above, no ground for interference is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

14.01.2020
sanjeev

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