

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4489 of 2011

Susama Dalai

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-Versus-

Sarat Kumar Sahoo

....

Opposite Party

None

CORAM:

JUSTICE R.K. PATTANAİK

ORDER

08.04.2022

Order No.

08.

1. Heard learned counsel for the petitioner. None appears for the opposite party.

2. Application under Section 482 Cr.P.C. is filed by the petitioner challenging the order dated 28th October, 2011 passed in I.C.C. No.255 of 2010 by the learned J.M.F.C., Balasore.

3. In fact, the petitioner has moved the learned court below for sending the dishonoured cheque for scientific examination but it was refused under the impugned order dated 28th October, 2011. The learned court below rejected the prayer of the petitioner on the ground that no dispute was raised with regard to the signature appearing on the cheque which was dishonoured only for the reason 'due to insufficient funds' and against the said order, the petitioner has approached this Court contending that the learned court below should have sent it for examination by an expert.

4. Learned counsel for the petitioner produced a copy of the deposition of the complainant and claimed that dispute on the signature in cheque was suggested to him. However, excepting the

suggestion, as it appears, the petitioner did not lay any evidence before the court below claiming the cheque to be sent for forensic examination. In the considered view of the Court, the petitioner was to submit some evidence before the court while seeking the cheque for its examination by an expert which has not been done so. In fact, foundation has to be laid while applying the court for sending the cheque for scientific test disputing signature of the accused.

5. In the instant case, the Court has not found any such material to have been brought to the notice of the court below for the purpose of examination of the signature appearing on the cheque. In such view of the matter, the Court finds no reason to interfere with the impugned order dated 28th October, 2011. In other words, the order under challenge suffers from no infirmity and accordingly, it is ordered.

6. In the result, the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge