

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.192 of 2020

Prasanta Kumar Dash @ Prasanta Kumar Das ***Petitioner***

Mr. Arun Kumar Budhia, Advocate
-versus-

Sandeep Kumar Swain ***Opposite Party***

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER

28.01.2022

Order No.

02. 1. The matter is taken up through video conferencing mode.
2. This is an application under Section 397 read with Section 401 of the Cr.P.C. filed by the petitioner to quash the order dated 31.01.2020 passed in 1.C.C. No.247 of 2018 by the learned J.M.F.C., Jajpur Road rejecting his petition for sending the cheque to Forensic Laboratory for examination by handwriting expert.
3. The facts of the case, in brief, are that out of business transaction between the complainant and accused, the accused had issued two numbers of cheques towards his liability and the said cheques were dishonoured. The accused purchased rods and cement from the complainant and paid his dues. The complainant had suppressed the fact and filed the case using blank cheque duly filled by the complainant.
4. Learned counsel for the petitioner submits that the impugned order has been passed without considering the materials on

record. He further submits that the dispute raised by the petitioner regarding handwriting of cheque can be clarified by an expert. The court below has passed the impugned order against the mandate of Section 138 of the N.I. Act and Section 45 of the Evidence Act.

5. Since the petitioner had ample opportunity to raise the dispute with regard to handwriting of the accused on the cheque, however, petitioner cannot raise such issue at any point as per his sweet will. This has been contended with an intention to linger trial unnecessarily. Hence, this Court is not inclined to interfere with the order passed by the learned J.M.F.C., Jajpur Road on 31.01.2020 in 1.C.C. No.247 of 2018.

6. Accordingly, the CRLREV is dismissed.

7. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

pcd