



Crl. O.P.No. 26066 of 2021

in

Crl.A.SR.35337 of 2021

A.D.JAGADISH CHANDIRA, J.

WEB COPY The learned counsel for the petitioner/complainant would submit that the Trial Court had acquitted the respondent/accused placing reliance on Ex.D4. During cross examination, the petitioner had denied the execution of Ex.D4 and a specific question has also been put to the accused and he has also agreed that Ex.D4 may be sent for expert opinion. He would further submit that the Cross examination of the accused was over on 17.07.2018 and on the next hearing date 25.07.2018, the petitioner had filed an application under Section 45 of the Indian Evidence Act to send Ex.D4 for expert opinion. Whereas, the Trial Judge without giving opportunity, had dismissed the application on the very same day and the Judgment was passed on 07.09.2018. The Trial Judge erred in relying on fabricated documents. Prima facie case has been made out for grant of leave.

2. Leave is granted

21.01.2022

Note:

Registry is directed to number the appeal, if it is otherwise in order and list the same for admission.

vri/shk