

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

CRR-1477-2022 (O&M)

Date of Decision: 19.7.2022

Rishi Pal

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Inderjeet Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 1.6.2022 passed by the learned Additional Sessions Judge (Fast Tract Special Court under POCSO Act), Yamuna Nagar at Jagadhri, whereby the application filed by the petitioner for taking specimen handwriting of the complainant in his presence.

It has been contended by learned counsel for the petitioner that the petitioner is being prosecuted for the offence under Sections 323, 341, 354, 354-A, 506, 201, 34 IPC, Section 8 of POCSO Act and Sections 66-E and 67 of the IT Act. It has been submitted that the petitioner and the victim were in love and on account of the same, he has been falsely implicated in the present case. He has submitted that the victim wrote love letters to the petitioner but during cross-examination, she denied having written these letters to him, it is for the same, the petitioner filed the application for comparison of the handwriting in the letters written by the victim. He submits that evidence of three prosecution witnesses was recorded on

2.3.2022 and the specimen handwriting of the victim was also taken on the same day, however, the same was not taken in the presence of the petitioner. He has submitted that the learned Fast Track Court has taken the specimen signatures of the victim in his absence, which has caused prejudice to the petitioner, hence, the application was filed for taking second specimen handwriting of the victim in his presence, which has been illegally declined by the learned trial Court. He submits that the impugned order passed by the learned trial Court has seriously prejudiced the interest of the petitioner, the same being against the principles of natural justice and thus, the same be set aside and the learned trial Court be directed for taking second specimen signature of the victim in the presence of the petitioner.

Heard learned counsel for the petitioner and perused the record.

Admittedly, the petitioner is being prosecuted for the offence under Sections 323, 341, 354, 354-A, 506, 201, 34 IPC, Section 8 of POCSO Act and Sections 66-E and 67 of the IT Act. During the course of trial the petitioner filed application for taking specimen handwriting of the victim for comparison of the alleged love letters written to him by the victim. Learned trial Court had taken the specimen handwriting of the victim for sending it to FSL for comparison. The precise contention of the petitioner is that the sample of handwriting has not been taken in his presence. The learned trial Court had duly appreciated the same. A perusal of the record shows that the order for taking the specimen handwriting was passed on 2.3.2022 in the presence of the Special Public Prosecutor and the learned defence counsel and on the same day evidence of three witnesses were recorded and the specimen handwriting was also taken and sent to FSL. The specimen handwriting were taken in the presence of the Presiding

Officer. The Court finds no justification in the arguments raised before this Court that second specimen handwriting should be taken in the presence of the petitioner. The Presiding Officer duly attested the specimen handwriting taken. The Court finds no merits in the present petition filed and thus, the same without any merit is hereby dismissed.

19.7.2022
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No