

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245-A

CRM-M-47608-2021
Date of Decision: 31.10.2022

SURINDER KUMAR KAKKAR Petitioner
Versus

MANMINDERJIT SINGH Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. R.S.Dadwal, Advocate for
Mr. Umesh Kumar Kanwar, Advocate for the respondent.

ANOOP CHITKARA, J. (ORAL)

Aggrieved by the order dated 16.09.2021 (Annexure P-4) whereby application for examination of handwriting Expert for comparison of writing in the body of cheque in question has been dismissed, the petitioner came up before this Court.

Vide order dated. 16.09.2021, the trial Court had dismissed such plea on the grounds that the accused did not dispute the handwriting on the body of the cheque in question during the statement under Section 313 Cr.P.C.

Given the stringent provisions of Negotiable Instrument Act, 1881 which raises a presumption in favour of the complainant and against the accused, If this Court denies appropriate opportunity to the accused even to lead his defence, it might amount to grave injustice. Furthermore, the prayer for re-examination is not something which can be considered as mala fide.

Given above, the impugned order is set aside and application filed for examination of handwriting Expert is allowed. Parties are directed to appear before the trial Court on 14.11.2022. Petitioner is permitted to examine handwriting Expert on two effective dates.

Parties are directed not to seek any adjournment before the trial Court.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

31.10.2022
Jyoti-IV

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No