

CRR-376 of 2020 (O&M)

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

CRR-376 of 2020 (O&M)
Date of Decision: 12.09.2022

Reeta

.... Petitioner

Versus

Vijay Kumar

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. A.S. Sandhu, Advocate, for the petitioner.
Mr. B.S. Saini, Advocate, for the respondent.

ASHOK KUMAR VERMA, J. (ORAL)

Through this revision petitioner has laid challenge to order dated 26.11.2019 passed by Judicial Magistrate Ist Class, Bathinda, whereby her application for examination of expert to determine the age of ink writing appearing on cheque in the dispute, has been dismissed.

Brief facts of the case are that respondent filed complaint under Section 138 of the Negotiable Instruments Act (hereinafter referred to as 'the NI Act') against the petitioner on the allegations that petitioner raised a loan of ₹1,90,000/- from the respondent-complainant to fulfil her requirements in the presence of Jagpal Singh Rana son of Nar Singh Dass resident of Bathinda and agreed to repay the same at the earliest. Petitioner in discharge of her legal liability to repay the loan amount issued cheque No.198246 dated 13.09.2007 for ₹1,90,000/- from her account No.55066252148 with the State Bank of Patiala, Bathinda City, Branch Bathinda, under her signature with the assurance that the cheque

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will be honoured as and when the same is presented for encashment. However, on presentation of the said cheque by the respondent for encashment with his banker State Bank of India, Bathinda, the same was returned unpaid/bounced with the remarks “the present cheque is non-CTS”. Respondent sent a legal notice dated 25.10.2017 through his counsel by registered post to the petitioner requiring her to pay the cheque amount within a period of 15 days from the receipt of the said notice. However, petitioner failed to pay the cheque amount to the respondent. Therefore, respondent filed complaint under Section 138 of the NI Act against the petitioner. During the pendency of complaint, petitioner moved an application for examination of expert to determine the age of ink writing appearing on the cheque in dispute, which has been dismissed by the trial Court vide impugned order.

I have heard learned counsel for the parties and perused the paperbook.

Application of the petitioner for examination of expert to determine the age of ink writing on the cheque in dispute has rightly been dismissed by the trial Court as the complainant, who appeared as CW1, has been cross-examined at length by the defence counsel. During cross-examination, petitioner has not denied her signature on the cheque in question. Moreover, the application was moved at the stage when the case was fixed for defence evidence arguments.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts

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below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmity in the impugned order.

Dismissed.

September 12, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

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