

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 475 OF 2023

Between:

A. Gopal Reddy, S/o. A. Papi Reddy, aged about 76 years, Occ- Agriculture, R/o. Vanapthla village, Nagarkumool Mandal, Nagarkumool District

.....PETITIONER/A-2

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. M/s. Sprha Bio Sciences Private Limited, having its Corporate Office at Flat No. 1401, 14th Floor, Babu Khan Estate, Basheerbagh, Hyderabad-01, rep. by its Manager- Accounts K. Siva Rama Krishna, aged about 43 years, Occ- Employee.

.....RESPONDENTS/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records pertaining to the impugned order dated 25/10/2022 in CrI. R.P. No. 201/2019 on the file of IV Additional Metropolitan Session Judge, Hyderabad, in dismissing the revision filed by the petitioner as against the order 04-10-2019 in CrI. M.P. No. 1747/2019 in C.C. No. 122/2018, in dismissing the petition filed by the petitioner to refer the dispute cheque to the hand writing expert, and same may be quashed by exercising jurisdiction Under Section 482 Cr.P.C. and allow CrI. M.P. No. 1747/2019 in C.C. No. 122/2018 by referring the disputed cheque to hand writing expert

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased To stay all further proceedings in C.C. No. 122/2018 on the file of V Special Magistrate, Hyderabad, including its trial, pending disposal of main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V ASHOK KUMAR REDDY, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.475 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner - Accused No.2 to quash the order dated 25.10.2022 in Crl.R.P.No.201 of 2019 passed by the IV Additional Metropolitan Sessions Judge, Hyderabad, confirming the order dated 04.10.2019 in Crl.M.P.No.1747 of 2019 in C.C.No.122 of 2018 passed by the Special Magistrate – V, Hyderabad.

2. The petitioner who is Accused No.2 filed an application before the Magistrate Court requesting to send the cheque/ Ex.P1 along with his admitted signatures to a handwriting expert for the purpose of comparison.

3. The case of the petitioner is that a blank cheque was given towards security; however he denied the signature on the cheque subsequently. The Trial Court refused to send the cheque along with his admitted signatures for the purpose of comparison to the handwriting expert. The same was carried in Revision and the

learned Metropolitan Sessions Judge also refused for the same and dismissed the Revision. Both the courts below have found that PW1- complainant – 2nd respondent wanted to examine the Bank Manager of the said branch for the purpose of proving the fact that the cheque was concerned with the petitioner herein, but petitioner opposed the said application of calling the said Branch Manager.

4. In the said circumstances, when an opportunity was already given to examine the Branch Manager to look into the factum of signature in the bank records and opposed by petitioner, the present application to send the cheque to a handwriting expert cannot be maintained.

5. The said findings of the Courts below are proper and valid on the facts of the case when the petitioner had refused to examine his Branch Manager of the Bank on which he issued the cheque. Now the petitioner cannot request for sending the cheque to a handwriting expert. Further, the case is of the year 2018 and it is pending since five (05) years. For the said reasons, there are no grounds to interfere with the orders of both

the Courts below and the present Criminal Petition is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K. AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The IV Additional Metropolitan Session Judge, Hyderabad
2. The V Special Magistrate, Hyderabad
3. One CC to SRI V ASHOK KUMAR REDDY Advocate [OPUC]
4. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana.
at Hyderabad [OUT]
5. **Two CD Copies**

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HIGH COURT

DATED:20/01/2023

ORDER
CRLP.No.475 of 2023



DISMISSING THE CRIMININAL PERTITION

(8) Copies

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