

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

CRM-M-13861-2019
DECIDED ON: 18.05.2023

SAHIL

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Jasdev Singh Thind, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Navmohit Singh, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)

1. The present petition has been preferred under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) assailing the order dated 16.02.2019 (Annexure P-4) passed by the Sessions Judge, Hisar, vide which the revision petition filed by the present petitioner was dismissed and order dated 19.12.2018 (Annexure P-2) passed by the Judicial Magistrate First Class, Hisar was upheld. The order dated 19.12.2018 (Annexure P-2) is also under challenge in the present petition.

2. A complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short N.I. Act) was filed by respondent No.2-complainant against the present petitioner-accused. During the course of evidence, a document which was purportedly a bill issued by K.G. Enterprises which was a firm of respondent No.2-complainant was produced in evidence. Since only a carbon copy had been produced, an application was moved by the present petitioner-accused for getting the same examined through a handwriting expert. This application was dismissed by the trial Court vide order dated 19.12.2018, leading to the filing of a revision

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16.02.2019.

3. Learned counsel for the petitioner submits that both the Courts below erred in dismissing the application since the document Exhibit P-1 could not in fact have been exhibited since it was only a carbon copy. Learned counsel submits that under the circumstances, the examination of the said document by a handwriting expert was essential.

4. On the other hand, learned counsel for respondent-No.2 has submitted that there is no illegality or infirmity in the orders passed by the Courts below. It has been contended that being a carbon copy, it could not have been examined by a handwriting expert as a result of which, the application was rightly dismissed.

5. I have considered the submissions made by learned counsel for the parties.

6. The concern of the petitioner seems to be that a carbon copy of a bill was permitted to be exhibited. This apprehension is, however, unfounded as mere exhibition does not mean that the document has been proved in accordance with law and an objection can always be taken at the appropriate stage. In so far as the examination of the document by a handwriting expert is concerned, the same would not be permissible since it was a carbon copy and a handwriting expert would examine only an original document. There is, therefore, no infirmity in either the order passed by the trial Court or by the Revisional Court warranting interference by this Court.

In view of the above, I do not find any merit in the present petition and the same is, therefore, dismissed.

18.05.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No