

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

CRM-M No.35146 of 2019

Date of decision: 24th January, 2023

Manish Chaudhary

... Petitioner

Versus

Rajeev Aggarwal & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Kathuria, Advocate for the petitioner.

Mr. N.C. Kinra, Advocate for respondent No.1.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent No.2/State.

MANJARI NEHRU KAUL, J.

Instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 22.07.2019 (Annexure P-5) passed by learned Additional Sessions Judge, Faridabad in CRR No.281 of 2019, vide which revision petition preferred by the petitioner challenging the order dated 08.03.2019 of learned Judicial Magistrate 1st Class, Faridabad was dismissed.

Learned counsel for the petitioner inter alia contends that both the Courts below, while passing the impugned orders, ignored and failed to appreciate that respondent No.1 in his cross-examination, had deposed that the cheque in question was not a blank security cheque but already stood filled-in when it was handed over to him by the petitioner. Therefore, to prove his defence qua the misuse of blank

cheque by respondent No.1, which was not issued in discharge of any legal liability, examination of a handwriting expert was necessary. Learned counsel further submits that name of the payee and date of the issuance of cheque had been filled in by the complainant subsequently, and hence, it was evident that a false case had been instituted against the petitioner and his defence would be gravely prejudiced if he was not granted an opportunity to examine a handwriting expert.

On the other hand, learned counsel for the private respondent while controverting the submissions made by the learned counsel for the petitioner, contends that the petitioner in his reply to the notice of accusation, has nowhere taken the said defence and still further, during the cross-examination of respondent No.1 no suggestion was even given qua the same to him by the petitioner. Learned counsel has urged that the petitioner is just trying to delay the trial on one pretext or the other which is apparent from his conduct, as earlier he had absconded, as a result of which he was declared proclaimed offender and now after putting in an appearance before the Court below he had even failed to examine any witness in his defence despite being given as many as 9 opportunities.

I have heard learned counsel for the parties and perused the relevant material on record.

In the present case, the petitioner has admitted issuance of cheque in question and also admitted that it bears his signatures, though, a defence has been raised by the petitioner that he had given

the cheque in question to respondent No.1 as a security. It would be relevant to point out here that during the pendency of the proceedings before the trial Court, the petitioner absconded as a result of which he was declared a proclaimed offender vide order dated 11.05.2017. Subsequently, on his appearance the proceedings continued and he was granted as many as nine opportunities to lead evidence in support of his case, however, he failed to do so. Consequently, his evidence was closed. Therefore, it is evident from the conduct of the petitioner that he has been engaging in dilatory tactics. Furthermore, since the petitioner has admitted his signatures on the cheque in question and the fact that he had himself handed it over to respondent No.1, this Court does not concur with the submissions made by learned counsel for the petitioner that the defence of the petitioner would be prejudiced if he is not allowed to examine a handwriting expert. In the circumstances, there being no merit in the instant petition, the same stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 24, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No