

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11828-2024

Date of Decision: 11.03.2024

Wills Thomas & another ...Petitioners

Versus

M/s RMC Readymix India Private Limited ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Jain, Advocate, for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

The petitioners assail order dated 18.01.2024 (Annexure P-4) vide which an application filed by the petitioners seeking permission to inspect the file and to permit the hand-writing expert/document examiner to take photographs of the disputed cheque has been declined.

Learned counsel for the petitioners submits that it is a case where there are apparent cuttings and interpolations in the cheque in question inasmuch as the date of issuance of cheque has been changed from “15.01.2017” to “15.08.2017” and proving the same would go a long way to establish the case of the accused, but the trial Court by passing the cryptic order has declined such application.

This Court has considered the aforesaid submissions and has also gone through the impugned order.

A perusal of the cheque in question i.e. Annexure P-2 shows that writing of numerical ‘8’ in the date does suggest that there has been

some interpolation in the same. Similar is the observations recorded by the learned trial Court in the impugned order. Once the said observations are already there, there is hardly any need to examine a hand-writing expert as the purpose already stands served.

However, as far as the question as regards relevance of any such cutting/interpolation is concerned, the same has to be examined in context of other evidence as may be brought on record and also in context of defence set up by the petitioners. As such, this Court does not find any ground to interfere with the impugned order and the same is upheld.

Needless to mention, it shall be open to the petitioners to take all the pleas, as may be available to them, at the time of final arguments including their plea as regards alleged cutting/interpolation in the cheque in question.

11.03.2024

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**