



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-53249-2024 (O&M)
Date of Decision:-3.12.2024

Karam Chand ... Petitioner
Versus
State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasmer Singh Rozara, Advocate for the petitioner.
Mr. Munish Sharma, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. Today, at the very outset, learned counsel for the petitioner submitted that he does not press the present petition with regard to issuance of directions as prayed for, but has requested that some appropriate directions may be issued to the Trial Court to expedite the conclusion of appeal, which has been pending since the year 2022 before the Court of learned Additional Sessions Judge, Palwal.
2. Learned counsel for the petitioner submitted that in the instant case, respondent No.2 had been convicted by the Court of learned Judicial Magistrate 1st Class, Palwal in respect of offence punishable under Section 138 of Negotiable Instruments Act, but at the time of initial hearing of the appeal filed by accused/respondent No.2 the appellate Court *suo moto* ordered for examination of the body-writing in the cheque in question and that as of now the report of Forensic Science Laboratory (FSL) has already been received.

3. Learned counsel for the petitioner submitted that since report of FSL has already been received, he does not press upon the petition so as to assail issuance of such *suo moto* directions as it is well settled that even if the body-writing is made by some person other than the signatory still the same would not adversely affect the case of the complainant. Learned counsel for the petitioner, however, expressed that the accused/appellant (respondent No.2 in the present petition) is trying to delay the proceedings of the appeal and has now moved a fresh application dated 5.4.2024 (Annexure P-14) seeking issuance of directions for comparison of handwriting and figures in the cheque in question from FSL.
4. In view of the aforestated position, this Court deems appropriate that a direction be issued to the Appellate Court i.e. the Court of learned Additional Sessions Judge, Palwal to take necessary steps for expeditious disposal of the appeal particularly bearing in mind the fact that the cheque in question has already been got examined by the FSL at the appellate stage and also bearing in mind that the appeal has been pending since the last about 2 years. The Appellate Court shall fix short dates in the matter. In case, the accused/appellant does not come forward for arguing the appeal, it shall be open to the Appellate Court to nominate some counsel from Free Legal Aid panel to assist the accused. It will be expected of the Appellate Court to dispose of the appeal finally within a period of 3 months from today.
5. The instant petition stands disposed off accordingly.
6. A copy of this order be conveyed to the Court concerned.

3.12.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No