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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8075/2025 & CRL.M.As. 33713-33714/2025**
RAJINDER SINGH DAGARPetitioner

Through: Mr. C.P. Malik and Mr. Rohan
Bhatia, Advocates.

versus

DEVTA ENTERPRISES & ANR.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **14.11.2025**

1. The Petitioner is the complainant in CC NI Act No. 5482/2020 under Section 138 of the Negotiable Instruments Act, 1881. The case is presently at the stage of defence evidence.
2. Counsel for the Petitioner submits that the accused has denied his signatures on Exhibits CW-1/K. Though the document were proved in complainant's evidence and attesting witnesses were examined, it is urged that, to obviate any ambiguity, the documents ought to be forwarded to the Forensic Science Laboratory.¹ The Trial Court's refusal to forward the documents to FSL, despite the circumstances warranting such verification, has compelled the Petitioner to invoke the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.²
3. The Court has heard counsel and perused the impugned order. The Trial Court, without entering the merits, noted the heavy pendency at FSLs and the attendant delays and, as a practical course, left it open to the

¹ "FSL"



complainant to obtain an opinion from a private handwriting expert, if so advised.

4. No error is made out. Referring documents to the FSL is discretionary. In view of persistent delays in FSL reporting and the present stage of trial, a referral without firm timelines risks derailing the trial. Expert opinion on handwriting can, in any case, be led through a qualified private examiner under Section 45 of the Evidence Act, and the Court may, where appropriate, undertake comparison under Section 73. At the defence-evidence stage, after the complainant has already adduced evidence, the Trial Court's decision to deny FSL referral, and instead permit private expert evidence is a balanced course that preserves the right of the parties while protecting trial timelines.

5. In view of the above, no ground is made out to invoke jurisdiction under Section 528 BNSS. The petition is dismissed. Pending applications, if any, stand disposed of.

SANJEEV NARULA, J

NOVEMBER 14, 2025/as

² "BNSS"