
(2013) 05 RAJ CK 0008

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 261 of 2013

Gyan Prakash Paliwal

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 17-05-2013

Acts Referred:

Citation : (2013) 3 WLN 462

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : Trilok Joshi, for the Appellant; Anil Upadhyay, Public Prosecutor for the State, for the Respondent

Final Decision : Dismissed

Judgement

Kanwaljit Singh Ahluwalia, J.—The present petition has been filed to assail the order passed by learned Special Judicial Magistrate (N.I. Act Cases) Sri Ganganagar whereby he refused to send the cheque to the expert for determination of the period as to when signatures were appended and the body of the cheque was filed. The order passed by the learned Special Judicial Magistrate, Sri Ganganagar has been upheld by the revisional Court below. Counsel for the petitioner has stated that the cheque was issued as security in the year 2002-03. It is submitted that on cheques, signatures were appended in the year 2003 whereas cheque was filled up in the year 2008.

2. Counsel for the petitioner submits that it will be the interest of justice in case, the cheque is sent to the FSL for determination of the period, as to when signatures were appended and columns of the cheque were filled up.

3. The revisional Court below while upholding the order passed by the trial Judge had noticed the fact that statement of the accused was recorded on 17.06.2011 whereas application was filed by him only on 21.03.2012. It was further noticed that the suggestion given by the accused regarding filing of cheque and signatures on different dates was denied by the complainant. The Courts below

have held that application has been filed by the accused only to delay the culmination of the proceedings.

4. I have heard counsel for the petitioner, I find no infirmity in the reasoning given by two Courts below. The trial Court had relied upon a judgment, in which it has been held that there is no technique available with forensic science expert to determine period of writing on the cheque. The Court further relied upon opinion given by the expert in another case pending in the trial Court, wherein it was informed to the Court that no such technique is available. In view of well reasoned findings returned by two Courts below, no interference is called for. Hence, the present petition along with stay application is dismissed.