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**(2010) 01 RAJ CK 0021**  
**In the Rajasthan High Court**

Smt. Rajani Sahai

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

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**Date of Decision :** 18-01-2010

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482

**Citation :** (2010) 1 WLN 525

**Hon'ble Judges :** Mahesh Bhagwati, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Mahesh Bhagwati, J.—By way of this petition filed u/s 482 of Cr.P.C. the petitioner has sought the following reliefs:

It is therefore, respectfully prayed that your Lordships may pleased to allow the petition u/s 482 Cr.P.C. The order dated 31st January, 2008 passed by Additional District & Sessions Judge (Fast Track) No. 4, Jaipur City, Jaipur in Criminal Revision No. 271/2007 (687/2007)(Annexure-1) and the order dated 19th April, 2007 passed by Additional Chief Judicial Magistrate No. 10, Jaipur City, Jaipur in Case No. 302/2004 (Annexure-2) may kindly be ordered to be quashed and set aside. The application filed by the humble petitioner for the expert opinion may kindly be ordered to be allowed. Any other order which this Hon'ble Court deems fit may also be passed in the facts and circumstances of the case.

2. Adverting to the background facts of this case, it is noticed that the petitioner issued a Cheque of Rs. 9 lakhs in favour of the complainant Pramod Sharma. The said cheque was filed in the Bank but the same was dishonored on account of insufficient funds. The petitioner is found to have submitted an application praying that the cheque was stolen by the complainant and he did not sign the said cheque, hence, the same could be sent to Forensic Science Laboratory for comparison of the signatures of the petitioner. The prayer was dismissed by the learned trial court. Aggrieved with the order of the learned trial court, the

petitioner filed criminal revision in the court of Sessions, which was also dismissed vide order dated 31.01.2008.

3. Heard learned Counsel for the petitioner and perused the relevant material on record including the orders dated 22.01.2007 passed by the Additional Chief Judicial Magistrate No. 10, Jaipur City, Jaipur as also the order dated 31.01.2008 rendered by the Additional District & Sessions Judge (Bast Track) No. 4, Jaipur City, Jaipur.

4. Learned Counsel for the petitioner has canvassed that the said cheque was never issued by the petitioner nor signed by her. Both the petitioner as also the accused are in relation to each other. They were involved in business transactions pertaining to property. He has further canvassed that it is necessary that the cheque should be sent to FSL for comparison of the disputed signatures so as to meet the ends of justice. He has cited one judgment of Mahaveer Prasad Sarraf v. Devendra Kumar Sharma and Anr. passed by this Court which is reported in 2009 (2) NIJ 251 (Raj.).

5. Having perused the material on record it is noticed that prior to filing" the complaint before the learned trial court, a notice was issued to the petitioner. The petitioner, in reply, furnished that the said cheque was not issued by her. Neither she stated in her reply that it was not signed by her nor she revealed anything about any transaction. Thereafter, before the learned trial court, the petitioner submitted that this cheque was stolen by the complainant. She came up before the Court with two parallel distinct stories which are in contradiction to each "other. So far as the comparison of the signatures by the Manager of Bank is concerned, the signatures must have been undoubtedly compared by him. Thereafter only this said cheque must have been dishonored for want of insufficient funds in the account of petitioner. It is nowhere stated by the petitioner neither in the reply nor before the court that she never signed the cheque. The question of sending the cheque to the FSL for comparison arises only when the petitioner comes forward with the specific plea that the said cheque was not signed by her. It is not the case of the petitioner. Learned trial court as also the learned revisional court, after perusing the entire record came to a very right and just conclusion that it was not desirable to send the cheque to PSL for comparison of the signatures of the petitioner, which are alleged to have been put by her.

6. The petition is found to be totally devoid of merits. It does not contain any substance, hence, the same deserves to be dismissed.

7. For the aforesaid reasons, the petition filed u/s 482 of Cr.P.C. stands dismissed accordingly.