

CRLR No. 439 of 2019

Hon'ble Sharad Kumar Sharma, J.

Mr. M.K. Ray, Advocate for the revisionist.

Mr. P.S. Bohra, AGA for the State.

The revisionist is an accused for commission of an offence under Section 7/13 (1) (d) to be read with Section 13 (2) of the Prevention of Corruption Act, 1988. Consequent thereto, he is facing the trial being Special Trial No. 1 of 2016, *State of Uttarakhand v. Vinod Kumar*, which is pending consideration before the District and Sessions Judge, Nainital.

The present revision he has preferred against an order dated 10th July 2019, by virtue of which his application for sending the signatures of Mrs. Nazma i.e. the complainant, for its verification and for hand writing examination before a Special Expert Body was rejected, because he intended that the signatures of the complainant i.e. Mrs. Nazma required to be tested by the Central Forensic Science Laboratory, New Delhi.

What is reflected from the record and the finding which has been recorded in the impugned order dated 10th July 2019, is that though the revisionist has denied the propriety of the complaint submitted on 19th October 2015 by Mrs. Nazma, alleging that it was a fraudulent report which was registered against him but the examination report dated 28th February 2019, is doubtful according to the expectations of the revisionist and, thus he wanted that the signatures of Mrs. Nazma to be sent once again for an examination by an expert body and that too a body of the status of a Central Forensic Science Laboratory, New Delhi.

The application came up for consideration before the District and Sessions Judge and the said application was rejected by the court by recording

a finding to the effect that an identical application for the purposes of a scientific examination of the signature of the complainant/Mrs. Nazma was already filed earlier by the present revisionist, which was sent for its examination before the Central Forensic Science Laboratory, New Delhi, who has submitted its report and once the said process of examination of signature at the request of the revisionist has already been exhausted and the report has already been procured and brought on record after the examination of signatures from the Central Forensic Science Laboratory, New Delhi, the Sessions Court was of a considered view and rightly so that any subsequent application for the verification will not be tenable and hence the application paper number 115 (kha) was rightly rejected by the learned Sessions Court.

Even this Court is of the view that when the law gives a liberty to the accused person in order to defend himself by getting the signatures verified from an expert body, when he already exhausts the procedure, then he cannot be permitted to take the liberty to have its consecutive examination, thus the subsequent application, which was preferred by the revisionist was not tenable, because earlier report of the expert body was already on record before the Sessions Court.

Consequently, the revision lacks merit and is accordingly dismissed. However, there would be no order as to cost.

(Sharad Kumar Sharma, J.)

31.07.2019

Mahinder/