



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 4386/2023

Between:

Tiruvuru Adi Lakshmi

...PETITIONER/ACCUSED

AND

The State of Andhra Pradesh and
others

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/Accused:

1.KAKUMANU JOJI AMRUTHA RAJU

Counsel for the Respondent/Complainant(s):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

The instant criminal petition under Section 482 of the Code of Criminal Procedure, 1973 (in short, "Cr.P.C.") has been filed by the Petitioner/Accused, seeking quashment of the proceedings against her in CrI.M.P.No.22 of 2023 in C.C.No.105 of 2017 on the file of the learned II Additional Metropolitan Magistrate-cum-II Additional Junior Civil Judge, Vijayawada.

2. Heard Sri K.Joji Amrutha Raju, learned counsel for the Petitioner.

3. Learned Assistant Public Prosecutor representing the State/Respondent No.1 is in attendance.

4. Learned counsel for the Petitioner would submit that the petitioner herein is the accused facing trial in C.C.No.105 of 2017 for the offence punishable under Section 138 of N.I Act on the file of the II Additional Metropolitan Magistrate, Vijayawada. The petitioner has moved CrI.M.P.No.22 of 2023 under Section 45 of the Indian Evidence Act, seeking to send Exs.P1 and P2, promissory note dated 09.11.2013 and cheque dated 25.02.2016 to RFSL for expert opinion, with regard to the age of the ink and the signatures. The said application was dismissed by the Court declining the request of the petitioner.

5. Learned Assistant Public Prosecutor opposed the petition.

6. Perusal of the record would show that when the matter is at the stage of arguments, the petitioner herein filed the application before the trial Court. The contention of the petitioner is that petitioner only signed in Exs.P1 and P2 i.e. the promissory note and cheque at the same time with the same pen and same ink. Whereas complainant has created fabricated Exs.P1 and P2 and got filed the case. The petitioner further contends that she has signed at a time, but not on the dates as mentioned in the Exs.P1 and P2. Accordingly, with a prayer to send Exs.P1 and P2 for expert opinion with regard to age of the ink of impugned signatures, the application has been filed.

7. It is pertinent to mention that there is a clear observation made by the learned Judge that in cross examination, P.W.1 categorically deposed that the promissory note and the cheque were not given at the same time. Nothing has been elicited in the cross examination of P.W.1 even by giving the suggestion denying her answer. Furthermore, this Court in Crl.P.No.6703 of 2024, observed the following:-

“7. Learned Trial Judge rightly opined that though there is a facility to determine the age of the Ink at BARC, Mumbai, it would not help the Petitioner, since the age of ink might not be the same as the age of writing. At this juncture, it is relevant to refer the judgment of this Court in **Gottipati Venu Gopal v. Gaddam Vijay Kumar**,¹ which placed reliance on Constitution Bench of the Hon'ble Apex Court in **Union of India v. Jyoti Prakash Mitter**².

17. In that view of matter, in backdrop of consistent decisions laid down, particularly the judgment of Constitutional Bench in *Jyothi Prakash Mittar* (supra), this Court is of the view that the impugned order does not suffer from any infirmity which warrants interference of this Court. **More so, this Court also feels that the expert opinion on ink age cannot be of any help in determining the date of its writing as the writing could be made at one time and the ink may have been manufactured years earlier.** On this premise, this Court agrees with the proposition laid down in *Surabhi Kishan Rao* (supra).”

8. In that view, this Court does not find any force in the contention of the petitioner. The petition is liable to be dismissed.

9. In the result, the petition is dismissed. The impugned order is a reasoned one and does not warrant any interference of this Court.

¹ 2023 SCC OnLine AP 3551

² AIR 1971 SC 1093

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Date: 30.09.2024
SCS

VENKATA JYOTHIRMAI PRATAPA, J

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THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 4386/2023

Date:- 30.09.2024

SCS