

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE. P.S.GOPINATHAN

THURSDAY, THE 1ST DAY OF MARCH 2012/11TH PHALGUNA 1933

Cr1.MC.No. 441 of 2012 (A)

CMP.NO.5752/2011 IN ST.595/2009 of J.M.F.C.-I, KANNUR

PETITIONER(S)/ACCUSED NO.1:

ANNAKKUTTY
S/O. FRANCIS, MOTTATHIL HOUSE, CHANDANAKKAM PARA
PAYYAVOOR, KANNUR DISTRICT.

BY ADV. SRI.M.B. PRAJITH

COMPLAINANT(S)/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SHRIRAM TRANSPORT FINANCE COMPANY LIMITED
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER AND CONSULTANT
K.DASAN, S/O. KRISHNAN, TAVAKKARA KANNUR-670001.

R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01-03-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

amk

P.S.GOPINATHAN, J

Crl.M.C.No.441 OF 2012

Dated this the 1st day of March, 2012.

ORDER

In this petition under Section 482 of the Code of Criminal Procedure, the petitioner, who is the first accused in S.T. No.595/2009 on the file of the Judicial Magistrate of the First Class - I, Kannur, assails an order dated 16-12-2011 in C.M.P.No.5752/2011, whereby her request for forwarding Ext.P1 cheque to the hand writing expert to get an opinion regarding the hand writings in the cheque was declined.

2. The trial court dismissed the petition on arriving at a finding that the opinion evidence regarding the hand writings would not enure any benefit in the defence, because the petitioner had specifically admitted the signature in the cheque and

the writings in the cheque are not significant.

3. Having heard the learned counsel for the petitioner and due regard to the nature of the defence, I find no error committed by the committal court in declining the request of the petitioner so as to be rectified in exercise of the powers under Section 482 of the Code of Criminal Procedure.

In the result, this petition is dismissed.

**P.S.GOPINATHAN,
JUDGE**

amk