

**CRR-2285-2019 (O&M)****1**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR-2285-2019 (O&M)**

Date of Decision : 05.05.2025

Jaswinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Namit Gautam, Advocate
for the petitioner

Ms. Aakanksha Gupta, AAG Punjab

None for respondent No. 2

KIRTI SINGH, J.(Oral)**CRM-27704-2019**

This is an application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condonation of delay of 1042 days in filing the revision petition.

For the reasons mentioned in the application, the same is allowed.

Delay of 1042 days in filing the revision petition stands condoned.

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1. Instant revision petition has been preferred against the impugned order dated 29.07.2016 passed by learned Additional Sessions Judge, Kapurthal, whereby the application filed by the petitioner under Sections 45 and 73 of the Indian Evidence Act for sending documents for examination by an expert has been dismissed.

2. Brief facts of the case, as advanced, are that the petitioner was



residing at Qatar while his wife was residing at her matrimonial home in their village. It was alleged that the wife of petitioner's elder brother, respondent No. 2 herein, did not have cordial relations with his wife and used to harass and threaten her by saying that she will not allow her to stay here. The wife of the petitioner used to narrate about the harassment meted out to her by respondent No. 2 on a frequent basis. On 09.05.2013, the petitioner received a call from his cousin informing him that his wife had committed suicide by hanging herself with the rope. The petitioner got his statement recorded to this extent, based on which FIR No.38, dated 10.05.2013, under Section 306 IPC was registered at Police Station Dhilwan, District Kapurthala.

4. Learned counsel for the petitioner submits that during the pendency of the trial, the petitioner filed an application through A.P.P. Kapurthala under Sections 45 and 73 of Indian Evidence Act for sending the suicide note of the deceased for comparison of the handwriting with other documents i.e. declaration form of the deceased which had been duly attested by the then Sarpanch and also some bank documents. It is submitted that the said documents be sent to a handwriting expert for comparing the alphabets in the signatures of the deceased with the text of suicide note, since the forensic expert, who had previously examined all these documents, examined only the signature, inter-se but did not compare the same words of text and signature to bring truth on the file.

5. Learned State counsel submits that the present petition is not maintainable, since after registration of the present case, detailed investigation was conducted, as a part of which signature and handwriting of the deceased on the suicide was got compared with her writing on certain other documents, by a forensic expert, and the two did not match. The detailed report of the forensic science laboratory qua the same, dated 13.09.2013, had already been submitted as

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per the provisions of under Section 293 Cr.P.C. as a part of the challan that was presented on 29.09.2014. Therefore, the application so dismissed was only a means to delay the proceedings of the present case in which prosecution evidence has already been concluded; and the case which was fixed for defence evidence and arguments has been pending since 30.01.2020, for awaiting further orders, in view of the interim relief granted by this Court dated 28.01.2020.

6. At the outset, learned counsel has not been able to satisfy this Court as to how the impugned order is not interlocutory and could be challenged under the review jurisdiction of this Court. Even on merits, on a perusal of the judicial file it comes out that the suicide note so found in this case was sent for examination and comparison with certain other documents containing the handwriting of the deceased to the forensic laboratory. The report of FSL dated 13.09.2013, per which the handwriting did not match, was submitted as a part of the challan dated 29.09.2014. No perversity or illegality in the impugned order has been pointed out which is convincing enough to warrant interference by this Court.

7. Accordingly, the present petition, being bereft of any merit, is dismissed. The interim order of this Court dated 28.01.2020 vide which passing of the final order in the case was stayed, stands vacated. The trial Court is encouraged to decide the case expeditiously in accordance with law.

8. All the pending miscellaneous application(s), if any, shall also stand disposed of.

05.05.2025

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**(KIRTI SINGH)
JUDGE***Whether speaking/reasoned? Yes/No**Whether reportable? Yes/No*