

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
KADAKKAL.**

Present:- Sri.Amal.S.R, Judicial First Class Magistrate

Dated this the 07th day of April, 2026

C. M. P. No.03/2026 in ST. No.2348/2022

Complainant : Saji Kumar, aged 48/2026, S/o.Pushparajan,
Plavila Puthen Veedu, Attupuram,
Kadakkal Village, Kottarakkara Taluk.
(By Advocate Sri. D.Vinayakumar)

Accused : Asha Aravind, aged 33/2026, W/o.Renjith,
Pezhuvila Veedu, Panappamkunnu,
Kilimanoor Village, Chirayinkeezhu Taluk.

ORDER

Heard the learned counsel for the complainant and the learned counsel for the accused in detail.

2. This is a petition filed by the complainant seeking a direction to obtain the specimen signatures of the accused before this Court and to forward the disputed cheque along with the admitted and specimen signatures to the Forensic Science Laboratory for expert opinion.
3. The case is now posted for complainant's evidence after reopening of evidence. It is submitted that the accused has specifically disputed and denied the signature appearing on the cheque involved in this case. In such circumstances, according to the complainant, scientific examination of the disputed signature with the admitted and specimen signatures of the accused has become absolutely necessary for the proper adjudication of the case.
4. The learned counsel for the accused opposed the petition. However, it is pertinent to note that the objection raised is only formal in nature and no substantial grounds have been put forward to discredit the necessity of obtaining expert opinion or to show that such a course would prejudice the accused in any manner.

5. On a careful consideration of the rival submissions and the materials available on record, this Court finds that the core issue involved in this case relates to the genuineness of the signature in the cheque. When the execution of the cheque itself is disputed, obtaining an expert opinion assumes significance. Though this Court is empowered to compare signatures under Section 73 of the Indian Evidence Act, the assistance of an expert under Section 45 of the Evidence Act would aid the Court in arriving at a just and proper conclusion.
6. It is also relevant to note that sending the disputed document for expert examination would not cause any prejudice to the accused; on the contrary, it would facilitate a fair trial and help in resolving the controversy effectively. The objection raised by the accused, being merely formal and not supported by valid reasons, is liable to be overruled.
7. In the above circumstances, this Court is satisfied that the petition deserves to be allowed in the interest of justice.
8. Hence, the petition is allowed. The accused is directed to appear before this Court on 10.04.2026 for the purpose of giving specimen signatures. The disputed cheque along with the admitted signatures (if any available) and the specimen signatures of the accused shall be forwarded to the Forensic Science Laboratory for expert opinion.

Post the case for further proceedings on 10.04.2026.

Pronounced in open court on this the 07th day of April, 2026.

Sd/-

Judicial First Class Magistrate, Kadakkal

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Judicial First Class Magistrate, Kadakkal

