

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).7373/2009

(From the judgement and order dated 18/08/2009 in CRLMC No. 2579/2009 of The HIGH COURT OF KERALA AT ERNAKULAM)

P.A.NOORMUHAMMAD Petitioner(s)

VERSUS

K.MUHAMMED AND ANR. Respondent(s)

(With appln(s) for stay and office report)

WITH

SLP(Cr1) NO. 9668 of 2009  
(With appln.(s) for stay and office report)

Date: 08/10/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s)

Petitioner-In-Person

Mr. P. Sureshan, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

Mr. G. Prakash, Adv.

Mr. C.S. Rajan, Sr. Adv.  
Mr. A. Raghunath, Adv.

:1:

UPON hearing counsel the Court made the following  
O R D E R

S.L.P.(Cr1) No(s).7373/2009 :

Leave granted.

The Appeal is allowed in terms of the signed order.

S.L.P.(Cr1) NO. 9668/2009 :

Leave granted.

The Appeal is allowed in terms of the signed order.

( Rajesh Dham )  
Court Master

( Indu Satija )  
Court Master

(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELATE JURISDICTION

CRIMINAL APPEAL NO 1986 OF 2010  
(arising out of S.L.P. (Crl) No(s).7373 of 2009

P.A.NOORMUHAMMAD

Appellant(s)

VERSUS

K.MUHAMMED AND ANR.

Respondent(s)

WITH

CRIMINAL APPEAL NO. 1987 OF 2010  
(arising out of SLP(Crl) NO. 9668 of 2009)

O R D E R

Criminal Appeal arising out of S.L.P.(Crl) No(s).7373/2009

Heard the appellant in person and learned counsel for  
the respondents.

Leave granted.

This Appeal has been filed against the impugned  
judgment of the High Court Kerala dated 18.08.2009.

The facts have been set out in the impugned judgment  
and hence we are not repeating the same here.

It appears that the appellant herein is an accused in  
a case registered under Section 138 of the Negotiable  
Instruments Act, 1881 which is still pending before learned  
Magistrate. After the conclusion of the prosecution  
evidence, the appellant has filed an application on  
25.10.2005 stating that all entries in the cheque in  
question, except the signature, are forged and hence the  
cheque should be sent to a documentary expert. This prayer  
has been denied by the courts below. Hence, this Appeal.

It has been held by this Court in Kalyani Baskar

that in these circumstances the matter should be referred to a documentary expert otherwise the defence of the accused will be adversely affected.

Following the aforementioned judgment, this Appeal is allowed and the impugned judgment of the High Court and the judgment of the trial court are set aside. We direct that the trial court shall now get the cheque in question examined by a documentary expert and thereafter proceed with the trial expeditiously.

Criminal Appeal arising out of SLP(Crl) NO. 9668 of 2009

Heard learned counsel for the parties.

Leave granted.

For the reasons given in the order passed in Criminal Appeal arising out of S.L.P.(Crl) No(s).7373/2009, this Appeal is allowed. The impugned judgment of the High Court and the judgment of the trial court are set aside. We direct that the trial court shall now get the cheques in question examined by a documentary expert and thereafter proceed with the trial expeditiously.

.....J.  
(MARKANDEY KATJU)

.....J.  
(T.S. THAKUR)