IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.14225 of 2025

(CNR.No.HBHC010655242025)

DATED 12.10.2026

Between:

N. Ram Gopal ... Petitioner-Accused

And

1. The State of Telangana,
   Rep. by its Public Prosecutor,
   High Court for the State of Telangana,
   at Hyderabad. ... Respondent No.1-State

2. Smt. Varam Divya Reddy ... Respondent No.2-Complainant

O R D E R

1. This Memorandum of Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to call for the records relating to Crl.M.P.No.335 of 2025 in STC.NI.No.10 of 2021 on the file of the learned Judicial Magistrate of First Class, Ranga Reddy District at Chevella, and to Quash/set-aside the order dated 11.09.2025 in dismissing the Crl.M.P.No.335 of 2025 in STC.NI.No.10 of 2021 by the learned Judicial Magistrate of First Class, Ranga Reddy District at Chevella.

2. Heard Sri Jakka Srinivas Rao, learned counsel for petitioner, Sri D. Arun Kumar, learned Additional Public Prosecutor, appearing for respondent No.1– State and Sri T.Avinash Kumar, learned counsel for the respondent No.2-complainant.

3. Learned counsel for the petitioner submits that the learned trial Court failed to see that the petitioner-accused has not filed a fresh petition to ascertain the handwritings in the cheque and the age of the ink with respect to the signature of the drawer and the date and name of drawee. The petitioner-accused has sought the learned Trial Court to refer the alleged cheque to Truth Labs, Hyderabad as BARC, Mumbai has returned the same but the learned Trial Court insisted to file a petition stating that no orders can be passed on memo as such the petitioner-accused was compelled to file the petition in Crl.M.P.No.335 of 2025. The learned Trial Court has not appreciated the evidence on record. If the original cheque i.e., Ex.P1 is not sent to Forensic Expert for examination the petitioner-accused will be put to hardship. The learned Trial Court has failed to appreciate that there is clear material alteration in Ex.P1 - cheque and prayed to set aside the impugned order.

4. Respondent No.1 is a formal party.

5. Learned counsel for respondent No.2 submits that the learned Trial Court has rightly dismissed the petition filed by the petitioner-accused by assigning cogent reasons, no interference is called for and prayed to dismiss the petition.

6. Respondent No.2-complainant has filed complaint under Section 138 of NI Act and same is numbered as STC.NI.No.10 of 2021 before the learned Judicial Magistrate of First Class, Ranga Reddy District, at Chevella. After the conclusion of the complainant's evidence, petitioner-accused filed petition under Section 45 of Indian Evidence Act and the same is numbered as Crl.M.P.No.486 of 2022. The prayer in the above application is as under:

> "praying this court to send the cheque bearing No.131336 dated 25.03.2021 which is marked as Ex.P1 to FSL to ascertain the handwritings in the cheque and the age of ink with respect to signature of the Drawer and date and name of the Drawyee."

7. Respondent No.2-complainant has filed her counter and opposed the said application.

8. The learned Trial Court vide order dated 28.07.2023 has allowed the petition and directed the office to send Ex.P1-cheque bearing No.131336 dated 25.03.2021 to Neutron Activation

Analysis, BABC, Mumbai to ascertain the handwriting in the cheque and the age of ink with respect to the signature of the drawer and the date and name of the drawee. The petitioner – accused shall bear the expenses.

9. Petitioner – accused has paid the process fees and Ex.P1 was sent to Neutron Activation Analysis, BABC, Mumbai, the same was returned to the Court stating that BARC is not having expertise to ascertain handwriting in the cheque and for determination of the age of the ink.

10. Petitioner – accused has filed Crl.M.P.No.335 of 2025 under Section 45 of the Indian Evidence act. The prayer in the above said application is to send Ex.P1 – cheque bearing No.131336 dated 25.03.2021 to Truth Labs, flat No.402, Apoorva Towers, Road No.2, Lane beside Kotak Mahindra Bank, Banjara Hills, Hyderabad along with specimen hand writings for ascertaining the change in hand writings in the cheque, signature, change of ink and the age of the ink with respect to the signature of the drawer and the date and name of the drawyee.

11. Respondent No.2 has opposed the said application. The learned Trial Court has dismissed the application filed by the petitioner – accused stating that the ground mentioned in the present petition are brought in for the first time by way of this

petition i.e., to say that the accused did not raise the same by giving reply notice and even at the time of examination under Section 251 of Cr.P.C. and surprisingly nothing was put to PW1 during his cross examination regarding the grounds on which the petitioner herein is seeking.

12. Petitioner – accused has issued reply notice dated 12.05.2021 to the legal notice dated 04.05.2021 got issued by respondent No.2 – complainant, wherein he requested the respondent No.2 to furnish copies of cheque bearing No.131336 dated 25.03.2021 and the cheque return memo dated 29.04.2021. It is further stated in the reply notice dated 12.05.2021 that he has never issued the alleged cheque to the respondent No.2 – complainant.

13. On perusal of the cross examination of PW1, witness denied that there is a difference of writing in Ex.P1 and also denied the suggestion that he has manipulated and misused the cheque which was given by the accused apart from denying the suggestion that there is difference of ink and writing in Ex.P1.

14. Respondent No.2-complainant has not issued any rejoinder to the reply notice dated 12.05.2021 wherein the petitioner – accused has sought to furnish the cheque and denied its execution.

15. The learned Trial Court ought to have considered the request of the petitioner – accused to send Ex.P1 to Truth Labs as earlier petition filed in Crl.M.P.No.486 of 2022 came to be allowed on 28.07.2023.

16. Petitioner – accused put a suggestion to PW1 in his cross-examination that there is a difference of ink and writing in Ex.P1 but it is denied.

17. It is the case of the petitioner – accused in the reply notice that he never issued any cheque to the respondent No.2 – complainant, which defence is put in the cross examination of PW1 but the witness has denied the same.

18. This Court is of the view that the learned Trial Court has misread the defence taken by the petitioner – accused and erroneously dismissed the petition filed to send Ex.P1 – cheque to Truth Labs, along with specimen hand writing for ascertaining the change in hand writings in the cheque, signature, change of ink and the age of the ink with respect to the signature of the drawer and the date and name of the drawyee.

19. This Court is of the view that the order passed by the learned Trial Court suffers from perversity and illegality and that the petitioner – accused has made out a case that from its inception he

has denied the issuance of cheque to the respondent No.2 – complainant.

20. In view of the reasons above, the order passed by the learned Trial Court suffers from perversity and illegality and the same is liable to be set aside and is accordingly set aside.

21. Accordingly, Crl.P.No.14225 of 2025 is allowed and the order passed by the learned Judicial Magistrate of First Class, Ranga Reddy District at Chevella in Crl.M.P.No.335 of 2025 in STC.NI.No.10 of 2021 dated 11.09.2025 is set aside and consequently, the petition filed by the petitioner – accused is allowed.

Interim orders if any stands vacated. Miscellaneous petition/s stands stand closed.

B.R.MADHUSUDHAN RAO, J

12.10.2026
Dua

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