



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 875/2026

Vikram Singh S/o Shri Heer Singh, Aged About 60 Years,
Resident Of H No. 295, Mohan Nagar, Bjs Colony, Jodhpur Raj..

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Virendra Singh S/o Shri Lt Shri Deep Singh, Resident Of
Village Anwana, Tehsil Bawri, At Present Maa Bhagwati
Nagar, Balsamand, Mandor, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. CP Rajora

For Respondent(s) : Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

DATE OF CONCLUSION OF ARGUMENTS : 19/03/2026
DATE ON WHICH ORDER IS RESERVED : 19/03/2026
FULL ORDER OR OPERATIVE PART : Full Order
DATE OF PRONOUNCEMENT : 12/05/2026

BY THE COURT:-

1. The instant Criminal Miscellaneous Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred assailing the order dated 03.01.2026 passed by the learned Special Judge (NI Act Cases) No.7, Jodhpur in Criminal Case No.202/2021, whereby the application preferred by the petitioner seeking referral of the disputed documents to the Forensic Science Laboratory (FSL) for examination has been rejected.



2. Briefly stated, the facts of the case are that the complainant instituted a complaint under Section 138 of the Negotiable Instruments Act, 1881 alleging therein that a sum of Rs.10,00,000/- was advanced as loan to the accused-petitioner, against which the petitioner issued cheque No.568378 dated 25.12.2016. Upon presentation, the cheque came to be dishonoured with the endorsement "Funds Insufficient". During the course of trial, statements of PW-1 Virendra Singh and PW-2 Gopal Singh were recorded and thereafter, statement of the petitioner under Section 313 Cr.P.C. was also recorded. Subsequently, the petitioner moved an application seeking referral of Exhibit D01A (receipt) to the FSL for verification of the complainant's signatures, which application came to be rejected by the learned Trial Court vide order dated 03.01.2026 on the ground that the said verification would not have any bearing on the outcome of the trial. Being aggrieved thereby, the present petition has been preferred.

3. Despite service being complete, none has appeared on behalf of the respondent. Thus, the matter is proceeded ex parte.

4. Heard learned counsel for the petitioner and perused the material available on record.

5. The present petition arises out of proceedings initiated under Section 138 of the Negotiable Instruments Act, 1881 wherein the petitioner is facing prosecution as an accused. After recording of his statement, the petitioner tendered a document marked as Exhibit D01A, claiming the same to be a receipt pertaining to the very amount forming subject matter of the complaint.





5.1 Interestingly, the complainant has categorically denied not only his signatures but also the handwriting appearing on Exhibit D01A.

5.2. In such circumstances, the petitioner moved an application seeking referral of the disputed receipt to the FSL for comparison with the admitted and undisputed signatures/handwriting of the complainant. The said application, however, came to be rejected by the learned trial Court vide order dated 03.01.2026 on wholly conjectural premises.

6. This Court is of the view that had the complainant admitted the execution of the receipt while simultaneously explaining that the same was unrelated to the transaction in question, the matter might have stood on a different footing altogether. However, once the complainant has taken a complete stand of denial regarding both handwriting and signatures appearing on Exhibit D01A, such denial, prima facie, disentitles him from subsequently raising a plea that the document bears no nexus with the transaction involved in the complaint. The appropriate course for the complainant was to clarify in his testimony itself that the receipt in question had no concern with the transaction forming subject matter of the complaint.

6.1 The learned trial Court, while rejecting the application, failed to appreciate that expert examination of the disputed document may have a direct bearing on the just adjudication of the matter. The impugned order, therefore, cannot be sustained in the eye of law.





7. Accordingly, the order dated 03.01.2026 passed by the learned Special Judge (NI Act Cases) No.7, Jodhpur is hereby set aside.

8. The application dated 16.12.2025 preferred by the petitioner stands allowed.

9. The learned trial Court is directed to send the disputed document Exhibit D01A to the FSL for comparison of the disputed handwriting and signatures with the admitted and undisputed signatures/handwriting of the complainant available on record, including vakalatnama, applications or any other undisputed documents.

9.1 The learned trial Court may itself identify such admitted documents or may require the parties to furnish the same and whereafter send those, both disputed and undisputed admitted papers to the FSL.

9.2 The admitted documents as well as the disputed document shall be properly marked separately before being forwarded to the handwriting expert for obtaining opinion regarding similarity or dissimilarity of the handwriting and signatures.

10. Till receipt of the FSL report, further proceedings before the learned trial Court shall remain stayed.

11. Stay application and all pending applications stands disposed of.

(FARJAND ALI),J

121-Mamta/-

