

**2022 LiveLaw (SC) 297**

**IN THE SUPREME COURT OF INDIA**

CRIMINAL APPELLATE JURISDICTION

**SANJIV KHANNA; BELA M. TRIVEDI, JJ.**

March 14, 2022

CRIMINAL APPEAL NO.423/2022 (Arising out of SLP (Crl.) No.9722/2016)

**MANORAMA NAIK *VERSUS* THE STATE OF ODISHA & ANR.**

**Indian Evidence Act, 1872; Sections 45, 47, 73 - Opinion of the handwriting expert is not the only way or mode of providing the signature and handwriting of a person - The signatures and handwriting of the person can also be proved under Sections 45, 47 and 73.**

**Summary : Appeal against Orissa High Court judgment which quashed the order taking cognizance passed by the Sub-Divisional Judicial Magistrate, under Sections 467 and 471 of the Indian Penal Code, on the ground that the opinion of the handwriting expert on the disputed signatures was non-conclusive - Allowed.**

*(Arising out of impugned final judgment and order dated 27-06-2016 in CRLMC No. 37/2013 passed by the High Court Of Orissa at Cuttack)*

*For Petitioner(s) Mr. Avijit Patnaik, Adv. Mr. Shova Mohapatra, Adv. Mr. Saravaid Pradhan, Adv. Dr. M.V.K Moorthy, Adv. Mr. Vikas Sinha, Adv. Mr. Hitendra Nath Rath, AOR*

*For Respondent(s) Mr. Vikas Singh Jangra, AOR Mr. Bhakti Vardhan Singh, Adv Mr. Som Raj Choudhury, AOR*

**ORDER**

Leave granted.

The impugned order dated 27.06.2016 has quashed the order taking cognizance passed by the Sub-Divisional Judicial Magistrate, Puri in G.R. Case No.854/2010 under Sections 467 and 471 of the Indian Penal Code, on the ground that the opinion of the handwriting expert on the disputed signatures was nonconclusive.

It is pointed out that the opinion of the handwriting expert was filed for the first time before the High Court and was not available with the Trial Court at the time when cognizance was taken. That apart, the signatures and handwriting of the person can also be proved under Sections 45, 47 and 73 of the Indian Evidence Act, 1872. Therefore, opinion of the handwriting expert is not the only way or mode of providing the signature and handwriting of a person.

In view of the aforesaid position, the impugned order is set aside and Crl. M.C. No.37/2013 would be treated as dismissed. However, we make it clear that we have not commented on the merits of the matter. It will be open to the accused to raise all questions and contentions before the Trial Court in accordance with law.

The appeal is allowed in the aforesaid terms of without any order as to costs. Pending application (s), if any, also stand disposed of.