

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

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

MANORAMA NAIK

Petitioner(s)

VERSUS

THE STATE OF ODISHA & ANR.

Respondent(s)

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.

.....J.
[SANJIV KHANNA]

.....J.
[BELA M. TRIVEDI]

New Delhi;
March 14, 2022

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No. 9722/2016

(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)

MANORAMA NAIK

Petitioner(s)

VERSUS

THE STATE OF ODISHA & ANR.

Respondent(s)

(IA No. 20819/2016 - PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 14-03-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

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

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application (s), if any, also stand disposed of.

(ARUSHI SUNEJA)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file.)