

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

(909) WRIT PETITION NO. 2985 OF 2026

Vishal N. Bhuptani ... Petitioner
V/s.
State of Maharashtra & Anr. Respondents

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WITH
(910) WRIT PETITION NO. 2989 OF 2026

Vaibhavi N. Bhuptani & Anr. ... Petitioners
V/s.
State of Maharashtra & Anr. Respondents

WITH
(911) WRIT PETITION NO. 2990 OF 2026

Vaibhavi Vishal Bhuptani ... Petitioner
V/s.
State of Maharashtra & Anr. Respondents

WITH
(912) WRIT PETITION NO. 2991 OF 2026

Vaibhavi Vishal Bhuptani ... Petitioner
V/s.
State of Maharashtra & Anr. Respondents

WITH
(913) WRIT PETITION NO. 2997 OF 2026

Vishal N. Bhuptani ... Petitioner
V/s.
State of Maharashtra & Anr. Respondents

WITH

(914) WRIT PETITION NO. 3038 OF 2026

Vishal N. Bhuptani & Anr.	... Petitioners
V/s.	
State of Maharashtra	 Respondent

**WITH
(915) WRIT PETITION NO. 3039 OF 2026**

Vaibhavi Vishal Bhuptani	... Petitioner
V/s.	
State of Maharashtra	 Respondent

Mr. Yash Jain a/w Mr. Santosh Salekar i/by Halai & Co., for the Petitioners.

Mr. Swapnil V. Walve, APP for the Respondent No.1-State.

Mr. D.V. Saroj for the Respondent No.2.

CORAM : MADHAV J. JAMDAR, J.

DATED : 11 SEPTEMBER 2026

P. C. :-

1. By all these writ petitions challenge is to the legality and validity of orders, by which, applications for sending the cheques in dispute to handwriting expert for comparing the handwriting appearing in the body of cheques, were rejected.

2. The impugned orders in all these 7 writ petitions are the same. The details of the impugned orders are set out in a tabular form submitted by the learned Counsel appearing for the

Respondent No.2. The said tabular form is reproduced hereinbelow for ready reference :-

Sr. No.	CMM Court Details	EXH IBIT	Date of Order	High Court Case Details	Parties Details
1	4357/SS/2021	71	11/05/2026	WP/2985/2026	Vishal N Bhuptani Versus State of Maharashtra
2	4404/SS/2021	30	15/05/2026	WP/2989/2026	Vishal N Bhuptani Versus State of Maharashtra
3	5715/SS/2021	42	15/05/2026	WP/2990/2026	Vishal N Bhuptani Versus State of Maharashtra
4	1625/SS/2021	77	15/05/2026	WP/2991/2026	Vishal N Bhuptani Versus State of Maharashtra
5	1143/SS/2021	76	15/05/2026	WP/2997/2026	Vishal N Bhuptani Versus State of Maharashtra
6	4356 /SS/2021	77	11/05/2026	WP/3038/2026	Vishal N Bhuptani Versus State of Maharashtra
7	4405/SS/2021	44	11/05/2026	WP/3039/2026	Vishal N Bhuptani Versus State of Maharashtra

3. The main contention raised by the learned Counsel appearing for the Petitioners is that the cheques were given as security when the hand loan was given and the amount was paid by the Petitioners and the cheques are written not by the Petitioners, but by somebody else and, therefore, prayer is made to

send the cheques in dispute to the handwriting expert.

4. Learned Counsel appearing for the Petitioner also submitted that there is variance in the affidavit which is referred in the complaint and therefore the cheques are required to be sent to the handwriting expert.

5. On the other hand, the learned Counsel appearing for the Respondent No. 2 submitted that in fact this is a case where the application has been filed to protract the hearing of the criminal complaint. The applications have been filed at the stage of arguments. It is further submitted that during cross examination the Petitioner i.e Accused admitted the signature.

6. Perusal of the record shows that the learned Trial Court has set out the reasons in paragraph nos. 4 and 5 which reads as under:

“4. On perusal of the record, it is clear that, **the accused during the cross-examination of the complainant has not challenged the issuance of Cheque in favour of the complainant along with the signature.** Now, so far as the contention as regard in difference in the handwriting is concerned, there is no law which specifically makes it compulsory that the details/particulars including the signature of the person signing the Cheque should be in one and the same ink.

5. Secondly, during the cross-examination, it was tried to suggest that blank signed Cheque was issued and the alleged loan was given by the brother of the complainant and not by him. As such, it seems that the present application for sending the Cheque

to the handwriting expert has been filed just to protract the proceeding. Even otherwise, this court is having ample power to compare the writings appearing on the disputed Cheque by invoking power under section 72 of the Bharatiya Saksh Adhiniyan 2023, atleast for the limited purpose as sought by the accused. So also, assuming for a while, it is opined by the handwriting expert that there is difference in the hand-writing this by itself is not sufficient to exonerate the liability of the person signing the Cheque, because what is important for attributing liability is the signature of the person who has issued the Cheque and not anything else. **Therefore, regard being had to the manner in which cross-examination of the complainant has been conducted, there appears no need to seek the opinion of the expert by referring the disputed Cheque as sought by the accused. the application being devoid of merit, deserves to be rejected.”**

(Emphasis added)

7. Thus the Learned Trial Court has taken into consideration that Accused i.e. Petitioners during the cross-examination have not challenged the issuance of cheques in favour of the complainants as also not denied the signature. During cross-examination it was tried to be suggested that blank signed cheques were issued and the alleged loan was given by the brother of the complainant and not by the Petitioners. The learned Trial Court has also observed that the Court is having ample power to compare the writings appearing on the disputed cheques by invoking the powers under Section 72 of the Bharatiya Sakshya Adhiniyam, 2023 (BSA). The learned Trial Court has further observed that the application has been filed to protract the proceedings.

8. Section 72 of the BSA to which reference is made by learned Trial Court is as under:

“72. Comparison of signature, writing or seal with others admitted or proved.—

(1) In order to ascertain whether a signature, writing or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing or seal has not been produced or proved for any other purpose.

(2) The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

(3) This section applies also, with any necessary modifications, to finger impressions.”

(Emphasis added)

Thus it is clear that in order to ascertain whether a signature, writing or seal is that of the person by whom it purports to have been written or made, the Court is empowered to compare any signature, writing or seal admitted or proved to the satisfaction of the Court to have been written or made by that person with the one which is disputed signature, writing or seal and for that purpose even the power is there with the Court to direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so

written with any words or figures alleged to have been written by such person.

9. Thus, the impugned order passed is in accordance with law and does not require any interference in the extraordinary and discretionary jurisdiction under Article 227 of the Constitution of India.

10. Accordingly, all the Writ Petitions are dismissed, however with no order as to cost.

[MADHAV J. JAMDAR, J.]