

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 935 OF 2014

Shashikant s/o. Narayanrao Kulkarni **....Petitioner.**

Versus

Prafulla s/o. Vithalrao Mehtre **....Respondent.**

Mr. A.S. Deshpande, Advocate for petitioner.

Mr. G.L. Deshpande, Advocate for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 29th June, 2015.

ORDER :

1. The petition is filed to challenge the order made by the learned J.M.F.C., Latur in STCC No. 259/2013. The application at Exh. 43 was filed by the present petitioner/accused for sending specimen hand writing of the complainant and also the record of Bhishi to hand writing expert for comparison between the signatures. The complainant has denied the signatures appearing on the record of Bhishi.

2. The submissions made shows that even the complainant has not closed the evidence. There will be stage of recording the statement under section 313 of Cr.P.C. Then there will be stage for defence evidence. There are many ways for

proving that the said register is in the hand writing of the complainant. That way, the defence can prove that the register is in the hand writing of the complainant. For that, apparently sending of the specimen of hand writing of complainant and the register to hand writing expert will not be necessary. Further, the accused has not disclosed his defence. The Court will have to consider as to whether sending of the record or the fact that the register is in the hand writing of the complainant is relevant in the matter filed for offence punishable under section 138 of Negotiable Instruments Act. Thus, this Court finds no reason to interfere in the order made by the learned J.M.F.C. on aforesaid application.

3. In view of these observations, the learned counsel for applicant submits that liberty may be given to file proper application at proper stage for such purpose. The J.M.F.C. may consider such application, if filed. With the aforesaid liberty, the application is disposed of as rejected.

[T.V. NALAWADE, J.]

ssc/