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IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 453 OF 2015

Rajesh G. Uchil and anr. … Petitioners

Versus

State of Maharashtra and anr. … Respondents

Mr. C.K. Tripathi for the petitioners.

Mr. D.R. More, A.P.P. for State.

CORAM : M.L. TAHALIYANI, J.
DATED : MARCH 17, 2015

P.C.

Admit. By consent of the parties taken up forthwith for final hearing.

2. Heard learned counsel for the petitioner and learned A.P.P. for state.

3. The issues which are raised in the present petition are the issues pertaining to the facts of the case. The contention of the petitioners is that they had issued blank cheque and it was to be filled in by an amount of Rs.45 lac only and not more than that. It is further submitted that respondent no. 2 has mischievously filled in the amount of Rs.48 lac and got the

cheque dishonoured and filed criminal prosecution against the petitioners.

4. I have gone through the letter in question under which cheque was forwarded to respondent no. 2 by the petitioner. It is clearly stated in the said letter that the cheque should not be over Rs.48 lac which indicates that respondent no.2 was permitted to use the cheque for the amount not more than Rs. 48 lac. As such serious issue of fact may arise which has to be decided by the trial court and not this court. Petition is summarily dismissed.

(JUDGE)