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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2339 OF 2015**

Javed M. Khan

... Petitioner

Versus

Ahmed Abdul Saleji

... Respondent

Mr. J.S. Pandey for the petitioner.

Mr. Ajay Patil, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 10, 2015**

P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is facing trial for the offence punishable under section 138 of the Negotiable Instruments Act. The recording of evidence has been completed and statement of the petitioner under section 313 of Code of Criminal Procedure has also been recorded. Applicant's grievance is that he was not put to notice before recording his statement that the inculpatory admissions in his statement can be used against him. Learned counsel has relied upon the judgment of this court in the case of Laxman alias Laxmayya Ganraram Vs. State of Maharashtra¹ No doubt the applicant was not put to notice before recording his statement under section 313 of

¹ 2012 Cri.L.J.2826

Code of Criminal Procedure. However, admissions made by the accused in his statement under section 313 are with respect to the construction of a building and not with respect to the issuance of cheques and dishonour thereof. Therefore, no prejudice has been caused to him by any admission made by him. He has honestly given answers to the questions put to him by the Magistrate. As far as charge under section 138 of the Negotiable Instruments Act is concerned, he has denied all the questions pertaining to the cheques and the liability. Therefore, in my opinion, recording of statement without notice to the applicant has not caused any prejudice to him.

In the result, writ petition is dismissed summarily.

(JUDGE)