

hvn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4965 OF 2014**

Namrata Siddhartha Banthiya ... Petitioner

Versus

Sushila Ramesh Kotariya and Ors. ... Respondents

Mr. Vinit Jain i/by Mr. I.P. Bagaria for the petitioner.

Mr. V.B.K. Deshmukh, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 07, 2015**

P.C.

Admit. Heard finally.

2. Petitioner is facing trial for the offence punishable under section 138 of the Negotiable Instruments Act at the instance of respondent no. 1 to 3. The Original complainant was husband of respondent no. 1 and father of respondent nos. 2 and 3. They have been brought on record after death of original complainant. During the course of evidence of P.W. 1 Dinesh Koratiya (respondent no. 2), learned Magistrate has exhibited certain documents which included ledger account of money lending maintained by the original complainant. It is submitted by the petitioner that the print out of money lending accounts produced in the court could not have been exhibited in as much as they have not been proved in accordance with section 65A and 65B of the Evidence Act.

3. In my opinion, the apprehension of the applicant is ill founded. Only exhibiting of document which is covered by section 65A and 65B will not be sufficient to read the contents of such documents. The contents of the document shall be read if the conditions laid down in Section 65B are satisfied. So long as these conditions are not satisfied, the contents cannot be read. In view thereof, unless section 65B is complied with, mere exhibiting of documents shall not create any apprehension in the mind of the petitioner. I do not want to elaborate further as the matter is subjudice before the trial Magistrate and he will take care of the grievance of the petitioner. I do not find that there is any necessity to interfere.

Writ petition stands dismissed accordingly.

(JUDGE)