

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR

Criminal Writ Petition No. 797 of 2015

Petitioner : Moreswar Eknath Itankar

versus

Respondent : Mangesh Maroti Asutkar

Ms P. Chaudhari, Advocate for petitioner

Coram : V. M. Deshpande, J

Dated : 12th October 2015

P. C.

1. By this petition, the petitioner is questioning the order dated 27.7.2015 passed by the Judicial Magistrate, First Class, Chandrapur in Criminal Case No. 17 of 2012 by which the learned Magistrate has allowed the respondent to place on record his Bank Passbook.

2. Heard Ms P. Chaudhari, learned counsel for the petitioner in extenso.

3. Respondent is the original complainant. He has filed Criminal Complaint Case No. 17 of 2012 against the petitioner for an offence

punishable under Section 138 of the Negotiable Instruments Act. When the evidence of the witness of respondent i.e. employee of the Bank who is complainant's witness no. 4 was going on, he filed Bank Statement of the complainant (exhibit 59). Present petitioner gave no objection for the same. After that, the complainant filed an application for grant of permission to place on record his Bank Passbook.

4. Application was opposed on the ground that the entries in the Passbook are irrelevant and the Passbook at the belated stage cannot be filed.

5. Evidence of the complainant is not over. The Bank witness is in the witness box. Further, the Bank Statement of the respondent is already filed on record. Therefore, no prejudice will be caused to the petitioner if the Passbook of the complainant is allowed to be placed on record since, in that case, the petitioner will have an opportunity to cross-examine the complainant/respondent if he so desires.

6. In that view of the matter, no case is made out for interference. Writ Petition is dismissed.

V. M. DESHPANDE, J