

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.626 OF 2016

MADHUKAR BABURAO NALGE

PETITIONER

VERSUS

VIJAYKUMAR BABURAO MALI

RESPONDENT

Mr.P.K.Joshi, Advocate for the petitioner.

( CORAM : RAVINDRA V. GHUGE, J.)

DATE : 29/06/2016

PER COURT :

1. The petitioner is aggrieved by the order dated 20/06/2015 passed by the learned Magistrate thereby rejecting the request of the petitioner for forwarding the cheque to a handwriting expert. The petitioner is also aggrieved by the judgment of the learned Additional Sessions Judge dated 22/12/2015 by which his revision petition has been dismissed.

2. I have heard Mr.Joshi, learned Advocate for the petitioner at length.

3. Grievance is that the petitioner/accused has taken a stand that he had given a blank cheque to a person called Vajjinath Ilekar.

He may have handed over the cheque to the complainant. Since the cheque was not signed by him, he had denied the existence of his signature on the cheque and had also contended that there was no reason for him to issue the cheque to the respondent/complainant.

4. It is further submitted that if the cheque is referred to a handwriting expert, it would be revealed that the petitioner has not signed the cheque and there is a forgery. No loss or harm would be caused to the respondent if the prayer of the petitioner is accepted.

5. I have considered the submissions of the petitioner in the light of the record available.

6. It requires no debate that once a cheque is tendered to the bank for being credited, the Bank Officials scrutinize the cheque primarily to find out whether the signature of the account holder appearing on the cheque matches with his specimen signature recorded with the Bank. If the signature does not match, the first objection would be that as there is a discrepancy in the signature, the cheque is not being honoured.

7. In the instant case, the cheque has not been honoured on

account of insufficient funds in the account of the petitioner. There is no objection about the veracity of his signature. As such, the issue as to whether the signature on the cheque is his own or whether it would match with the specimen signature, does not survive.

8. In the light of the above, I do not find that the impugned orders could be termed as being perverse or erroneous. This petition, being devoid of merit, is therefore dismissed.

( RAVINDRA V. GHUGE, J.)