

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.686 OF 2016

Ashok Bansilal Bora ... PETITIONER

VERSUS

Kalika Nagri Sahakari Patsanstha Ltd. ... RESPONDENT

.....
Shri P.P. Kothari, Advocate for petitioner
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 22nd July, 2016.

ORAL ORDER :

1. Heard counsel for the petitioner. Perused the petition. In a proceeding under Section 138 of the Negotiable Instruments Act, it appears that, the evidence for the complainant Patsanstha is being recorded. While the evidence was being recorded, the petitioner - accused appears to have applied that the cheque and the forms being relied on be sent to handwriting expert. It appears that, it was claimed that the contents of the form and the contents of the cheque were not filled or written by the accused and that the same was subsequently filled in. The trial Court has observed that, the complainant had not claimed that the contents were filled in by

the accused. It found the application of the accused is premature and at the stage concerned, the accused could not force the complainant to prove his case in any particular manner.

2. I do not find that there is any error in the approach taken by the trial Court. There is no reason to interfere. The Writ Petition is rejected.

(A.I.S. CHEEMA, J.)

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