

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1247 OF 2015

Bharat Nilkanthrao Kunale .. Petitioner

Vs.

Satyawan Jayantrao Gurale .. Respondent

Mr. T.M. Venjane, Advocate for the petitioner
Mr. K.G. Anmole, Advocate for the respondent

CORAM : M.T. JOSHI, J.

DATE : 21/01/2016

ORAL ORDER :

1. Heard.

2. Learned counsel for the respondent, on instructions, makes a statement that in-fact, the cheque was handed over by the petitioner-accused with his signature and, thereafter, the complainant himself put the date, wrote the name and the sum in the said cheque. He further adds that as the accused was owing that much amount and he has promised to pay the same, the complainant filled in the said cheque.

3. As to whether, there is any legally enforceable liability and due to the said fact, the complainant has

filled in the cheque, would be a matter to be decided on merit by the learned Judicial Magistrate First Class. However, in view of the admitted fact that the present petitioner - accused has not filled in the cheque and only made signature over the same, there is no need to send the cheque in question to handwriting expert. Writ Petition is accordingly disposed of.

4. Authenticated copy of the present order be provided to the learned counsel for the parties, on their request.

[M.T. JOSHI]
JUDGE

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