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

CRIMINAL WRIT PETITION NO.1457 OF 2014

Shyamsundar Jamnadas Gilda ..PETITIONER

VERSUS

Purushottam s/o Shrirang Bajaj & anr. ..RESPONDENTS

Mr Sachin S. Deshmukh, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 25th April, 2016

ORAL ORDER :

Heard learned Counsel appearing on behalf of the petitioner.

2. Application Exh.28, moved by the petitioner-accused in Summary Criminal Case No.451 of 2012, for an offence punishable under section 138 of the Negotiable Instruments Act, for issuing directions to respondent no.1 – complainant to produce certain documents, was objected by the complainant by filing his say. The said application came to be rejected on the ground that having regard to the burden on the accused in the proceedings under section 138 of the Negotiable Instruments Act, the prayer cannot be granted.

3. Learned Counsel appearing on behalf of the petitioner would urge that the order is not sustainable, as the burden on the petitioner under the

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Negotiable Instruments Act can be discharged in a manner which is taken recourse to by him, i.e. by directing respondent no.1 – complainant to produce certain record. He would then submit that for giving an opportunity of fair trial, application Exh.28 ought to have been allowed.

4. In my opinion, no interference is called for in extraordinary jurisdiction, particularly when it will be open for the learned Magistrate dealing with the trial to take judicial note of denial by complainant to produce the record sought to be called by the accused, while dealing with the complaint on merits.

5. In view of above observations, Criminal Writ Petition stands dismissed.

(N.W. SAMBRE, J.)

amj