

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.5005 OF 2015**

|                                 |      |             |
|---------------------------------|------|-------------|
| Madanraj Sukhraj Jain           | .... | Petitioner  |
| V/s.                            |      |             |
| The State of Maharashtra & Anr. | .... | Respondents |

Mr. Ashish U. Mishra for the Petitioner.

Mr. D.R. More, A.P.P., for Respondent No.1-State.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 18<sup>TH</sup> JANUARY 2016.**

**P.C. :**

1. Heard learned counsel for the Petitioner.
2. This Writ Petition is preferred against the concurrent finding and order of the Metropolitan Magistrate, 27<sup>th</sup> Court, Mulund, Mumbai in C.C. No.292/S/2002 dated 2<sup>nd</sup> July 2015, and order dated 26<sup>th</sup> November 2015 passed by the Additional Sessions Judge, Greater Mumbai, in Criminal Revision Application No.912 of 2015, thereby rejecting the Petitioner's application for sending the disputed cheque to Handwriting Expert.
3. The impugned order, passed by the Trial Court and confirmed by the Revisional Court, clearly reveals that the Petitioner herein is not disputing his signature as appearing on the said cheque. Even though the

dispute is raised relating to the amount appearing on the said cheque, it can be seen that the amount of Rs.5,00,000/- is written in figures as well as in words. Therefore, there is absolutely no question of sending the cheque to the Handwriting Expert. The impugned order of the Trial Court also reveals that the case was pending since the year 2002. The plea of the Petitioner was recorded on 24<sup>th</sup> September 2002. The evidence affidavit was filed by Respondent No.2-Complainant on 13<sup>th</sup> February 2007 and since then the matter has been adjourned for cross-examination on one count or the other. The application was preferred only on 7<sup>th</sup> December 2012. The facts of the case are also eloquent to reveal that it was an attempt to protract and prolong hearing of the case and not a bonafide attempt. Otherwise also, once the signature on the cheque is not disputed and no grounds are also made out specifically as to for which purpose the cheque is required to be referred to Handwriting Expert, in my considered opinion, the Trial Court and the Revisional Court has rightly held that the application to that effect holds no merit.

4. Hence, the impugned order of the Trial Court, which is confirmed by the Revisional Court, does not call for any interference. The Writ Petition stands dismissed in above terms.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**