

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.903 OF 2016

HDFC BANK LIMITED

)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA & ORS.

)...RESPONDENTS

Ms.Trupti Shetty a/w. Ms.Pavitra Pillay, Advocate for the Petitioner.

Mr.Girish Kulkarni a/w. Mr.Chandansingh Shekhawat a/w. Ms.Shradha Achliya i/b. ALMT Legal, Advocate for the Respondents.

Mr.PH.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th SEPTEMBER 2017

P.C. :

1 By this petition, the petitioner / complainant in a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act is challenging the orders dated 18th January 2016 passed by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai.

2 Heard the learned advocate appearing for the petitioner/complainant. He submitted that one set of documents comprises of documents which are requiring certificate as envisaged by Section 65B of the Evidence Act, and therefore, the impugned orders are contrary to the provision of law. The learned advocate appearing for the respondent / original accused submits that by impugned orders production of documents for confrontation to witness is permitted and issue of admissibility of documents is yet to arise.

3 I have carefully considered the rival submissions. Two applications came to be preferred by respondent / accused before the learned trial court permitting him to produce documents for confronting them to the complainant who had stepped into the witness box and was under cross-examination. The learned trial court by impugned orders directed the respondent / accused to produce documents and to confront the witness with those documents. I see not illegality in the impugned orders permitting production of documents and allowing the defence counsel to

confront the prosecution witnesses with those documents. Issue of admissibility of those documents in evidence has not yet arisen and if documents are objected on that count, the learned trial court will certainly examine whether the documents sought to be confronted to the witness are admissible in evidence or not.

4 Hence the petition is devoid of merits and the same is rejected.

(A. M. BADAR, J.)