

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1931 OF 2016

K.R.Prabu, prop. Of Hi-Energy Systems ...	Petitioner
Vs.	
M/s. Shri Samarth Paper & Board Mill & Anr. ...	Respondents

Mr. Jatin Shah a/w Mr. Prashant Phophale i/b. PMH Law for the petitioner.
Mr. S.R. Agarkar, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 11th April, 2017.

P.C.

Heard. Rule. Rule made returnable forthwith with the consent of the parties.

2. Being aggrieved by the order dated 16.3.2016 passed by the Metropolitan Magistrate, 7th Court at Dadar, Mumbai, in C.C. No. 215/SS/2014, the petitioner has approached this Court.

3. It appears from the records that before the cross-examination of the complainant had commenced, the complainant had filed an application seeking permission to place on record certain documents and refer to the same in his oral evidence. The learned Magistrate has rightly allowed the application as no prejudice would be caused to the parties

concerned.

4. The learned counsel for the petitioner submits that the complainant had prayed for exhibiting all the documents except the documents at Sr. Nos. 3, 4, 5 and 9. The learned Magistrate shall take the documents on record and the same be proved in accordance with the Indian Evidence Act. Needless to say that a proceeding under Section 138 of the Negotiable Instruments Act is a summary proceeding. That the documents cannot be said to be proved unless there is substantive evidence to that affect and the contents of the documents will not stand proved by furnishing the documents.

5. With these observations, the Petition stands disposed of. Rule is discharged.

(SMT. SADHANA S.JADHAV, J.)