

(1)

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

CRIMINAL WRIT PETITION NO.21 OF 2016

Babarao Anandrao Wankhede,
Aged about 57 years, Proprietor
Shankar Trading Company, Hardada,
Tq. Umarkhed, Dist. Yavatmal. ..PETITIONER

VERSUS

Bahauddin Aliuddin Kazi,
Aged about 60 years,
Occ: Agri., & Advocate,
R/o. Sukali (J), Tq. Umarkhed,
Dist. Yavatmal. At present
Shabisthan Colony, Plot No.8,
Opp. Ganesh Colony, Majanu Hills
Road, Aurangabad Through its
Power of Attorney Holder
Akhiloddin Wahiuddin Khajamiya
Kazi, aged about 60 years,
Occ: Retired Head Master,
R/o. Zakir Husain Ward,
Umarkhed, Dis. Yavatmal. ..RESPONDENT

Mr S.D. Chopde, Advocate for petitioner;
Mr M.M. Papiwar, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st MARCH, 2017

ORAL ORDER :

By order impugned, the petitioner-accused was refused opportunity to refer cheque in question to the opinion of hand writing expert, as he is facing prosecution under Section 138 of the

(2)

Negotiable Instruments Act.

2. Perused the reply of the notice under Section 138 and application Exhibit-16.

3. In my opinion, in the interest of justice will sub serve, in case the trial kept in abeyance for period of ten weeks from today with liberty to the present petitioner to produce on record opinion of the hand writing expert in regard to disputed cheque.

4. With above observations, present writ petition stands disposed of.

(N.W. SAMBRE, J.)

Tupe