

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 262 OF 2017

(Ramdas Mahadeorao Solav..vs..The State of Maharashtra, through PSO.PS.Warud,Tahsil-
Warud,District-Amravati and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.R.Ingole, Advocate for petitioner.
Miss T.H.Udeshi, A.P.P. for State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 27, 2017

Heard learned counsel for the petitioner. He submits that respondent no.5 has filed a proceeding against the present petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act. He submits that this proceeding is registered as Summary Criminal Case No.300/2011. He further submits that in that process was issued against the present petitioner and he has appeared and trial is going on.

According to learned counsel for petitioner, the respondent nos. 4 and 5 have replaced the particular document i.e. Exh.52. He submitted that therefore he filed complaint before the Superintendent of Police, however no cognizance is taken.

The present petition in my view is highly misconceived. The proceeding against the present petitioner for the offence punishable under Section 138 of Negotiable Instruments Act is still pending. By moving the petition it appears that applicant is trying to create defence in his favour

that is impermissible. He has to prove his defence in the trial itself.

Further, if the petitioner is not satisfied of not taking cognizance by the police authority remedies are open for him. No case is made out.

The petition is rejected.

JUDGE

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