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

WRIT PETITION NO.3810 OF 2016

Ashok Shivaji Kadam

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..Petitioner

Vs

Nitin Shivling Mahajan & Anr.

..Respondents

Mr. Ashish S. Sawant for Petitioner.

Mr. H.M. Indamdar for respondent No.1.

Mr A.R. Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 6th October 2018.

P.C.:

1] By the present petition under Article 227 of the Constitution of India, the petitioner has impugned the Order dated 2.9.2016 passed below Exh.59 by the learned Judicial Magistrate First Class, Barshi regarding his application for sending the disputed cheque to the hand-writing expert.

2] The petitioner is an accused in the said case, instituted by the respondent No.1 under section 138 of the Negotiable Instruments Act. During the course of recording evidence of petitioner, he has admitted his signature on the said cheque. The learned counsel for the petitioner submitted that, the said cheque was obtained from him by the complainant

respondent No.1 by exercising duress and coercion and therefore it is necessary to be sent to the hand-writing expert.

3] The record shows that, there is clear admission about his signature on the said cheque by the petitioner. The statement of the petitioner under section 313 of Cr. P.C. has already been record. It appears that, the petitioner with a view to protract the trial, has filed the said application below Exh.59.

4] In view thereof, this Court is of the view that there is no merit in the present petition and is accordingly dismissed in limine.

(A.S.GADKARI, J.)