

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

CRIMINAL WRIT PETITION NO. 1415 OF 2014

Bhaorao Chavan

... Petitioner

Vs.

Santosh Mahadev Shinde & Anr.

... Respondents

...

Mr. Milind S. Prabhune I/by Mr. Sarang S. Aradhye for the
Petitioner.

Mr. D.W.Bhosale for the Respondent No.1.

Mr. A.R. Patil, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd JULY, 2018.

P.C.

1. This petition was admitted by this Court on 25th June, 2015 and interim relief in terms of prayer clause (e) of the petition was granted.

2. Petition is listed for directions at the instance of the respondents. It is submitted by the learned advocate for the respondents that since 2014 the proceedings before the trial Court are stalled on account of interim order passed by this Court. It is submitted that the petitioner had preferred an application below Exh.39 for referring the disputed cheque for handwriting experts opinion. the said application was rejected by Judicial Magistrate

First Class, Pandharpur on 7th August, 2013. The said order is under challenge in this petition.

3. Learned advocate for the respondent on instructions from the respondents submitted that prayer for sending the documents to handwriting experts opinion can be allowed. It is submitted that the complaint was filed in the year 2007 and on account of pendency of this petition, the trial has not proceeded. It is further submitted that consent for referring the disputed cheque for handwriting opinion is without prejudice to his rights and contentions. Learned counsel for the petitioner submits that on account of statement made by the advocate of the respondent the petition can be disposed of. Hence, I pass the following order.

ORDER

- (i) Writ Petition is allowed. The impugned order is set aside;
- (ii) The trial Court is directed to forward the disputed cheque to handwriting expert opinion on receipt of the copy of this order;
- (iii) Handwriting expert is directed to submit its opinion within six weeks from the date of receipt of the document;

- (iv) All contentions in relation to legality of the opinion of the handwriting expert as well as genuineness of cheque are kept open;
- (v) Petition stands disposed of.

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(PRAKASH D. NAIK, J.)