

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

**CRIMINAL WRIT PETITION NO.695/2018**

Mahadev S/o Haribhau Tatake

..Vs..

Bhimkumar S/o Chijandas Jiwnani

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATE : 30.8.2018.**

1. Heard Ms. Sonali B. Khobragade, Advocate  
h/f Shri M.S. Gawai, Advocate for the petitioner.

2. This writ petition is filed by the accused to  
challenge the order passed by the trial Court by which  
the application (Exh. No.57) filed by the accused praying  
that the cheque in question be referred to Handwriting  
Expert, is rejected.

3. After considering the facts of the case, the  
learned Magistrate has recorded his conclusions in  
paragraph No.12 of the impugned order as follows:

*“12] Accused appears to have  
disputed his signature over the cheque,  
while moving instant application.  
However, it is not defence of accused that  
his signature has been forged or he never  
signed the cheque. Further, no such  
stand has been taken by the accused  
during his examination under Section  
313(1)(b) of the 'Act'. Accused has not  
replied demand notice of complainant.  
His defence appears to be that the cheque  
has been issued towards security.  
Therefore, there is no dispute that the*

*cheque has been issued by accused. In view of same, to prove that the cheque has been issued towards security, opinion of an handwriting expert is not necessary. The other contents in the cheque whether filled by complainant or otherwise, is also not subject matter of instant application.”*

4. I find that the conclusions of learned Magistrate are based on proper appreciation of material on record and it cannot be said that the learned Magistrate has committed any error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction. The writ petition is **dismissed**.

JUDGE