

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

CRIMINAL WRIT PETITION NO.1110/2018
Ramchandra s/o Madari Katkamwar

..VS..

The Cosmos Coop. Bank Ltd. Midas Height, Nagpur, thr. B.M. Jayant
s/o B. Hejib

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

Court's or Judge's Order

.....
Shri A.S. Bhalerao, Counsel for the petitioner.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 5, 2018.

1. Heard learned counsel Shri A.S. Bhalerao for the petitioner.
2. By the present petition, the petitioner is challenging order passed below Exhibit 73 in SCC No.16629/2011 dated 7.11.2017 by which the Court below rejected application filed on behalf of the petitioner for referring disputed cheque to a handwriting expert.
3. The petitioner is an accused against whom a complaint is filed for offence punishable under Section 138 of the Negotiable Instruments Act.
4. From compilation along with the petition it is clear that evidence of the petitioner accused is also started.

5. It is not in dispute that disputed cheque is duly signed by the petitioner accused. According to evidence of the petitioner, he gave said cheque to one Nandkishore Harsh and said Nandkishore Harsh gave the said cheque to the complainant bank. Thus, Nandkishore Harsh was holder in due course. This particular aspect has rightly considered by learned Judge of the Court below. It appears that the petitioner accused wants any how to linger the proceedings under Section 138 of the said Act, in my view, which is impermissible.

6. Hence, the criminal writ petition is rejected and disposed of accordingly.

JUDGE

!! BRW !!

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