

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

**WRIT PETITION NO. 3348 OF 2019**

Mr.Arvind Narhari Deshpande

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr.R.P.Javanjal a/w. Mr.Aniket Gawand for the Petitioner.  
Mrs.M.R.Tidke, APP for Respondent No.1 -State.

**CORAM : S. S. SHINDE, J**  
**DATE : 23 August 2019**

**P.C.**

1. Heard learned Counsel appearing for the petitioner.
2. Perused impugned order. The reasons assigned by learned Metropolitan Magistrate, 20th Court, Mazgaon, Mumbai in paragraph 2 of the impugned order appears to be after perusal of the date mentioned on the cheque. The prayer of the petitioner is to send the subject cheque to handwriting expert. Such prayer cannot be considered in view of the fact that, the said Court taking recourse to section 73 of the Evidence Act, and has exercised the jurisdiction and expressed an opinion in the impugned order.

3. In that view of the matter, this Court is not inclined to consider the prayer of the petitioner. However, to do the complete justice to the parties, at the appropriate stage of the proceedings, once again the trial Court shall make endeavour to appreciate the contentions of the petitioner that, there is overwriting of date by the complainant on the subject cheque. In case such exercise is once again made by the trial Court, no prejudice will be caused to the complainant.

4. With the above observations, petition stands rejected.

**[S. S. SHINDE , J]**