

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

CRIMINAL WRIT PETITION NO. 2857 OF 2016

Ankit Bhuwalka

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Ms. Leena Sapra a/w. Ms. Pravin Kanani i/b. Ms. Pravima A. Thakker
for Petitioner.

Mrs. Rutuja Ambekar, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 16th SEPTEMBER 2019

PER COURT:

1. Heard learned counsel for the Petitioner. Learned counsel for the Petitioner submits that, learned Judge afforded opportunity to the complainant to examine the witnesses, however, at the same time declined to send the cheque to the handwriting expert. It is submitted that, this Court may give direction to send the said cheque to handwriting expert, and to return the said cheque after comparison of signatures within stipulated period. The entire exercise may be directed to be carried out in a time bound manner. It is submitted that, in case the prayer of the Petitioner is not acceded to, it will cause irreparable loss to the case of the Petitioner. Therefore, learned counsel appearing for the Petitioner submits that,

petition may be allowed.

2. Heard learned counsel for the Petitioner. Perused the reasons assigned by the learned Magistrate in the impugned order. Admittedly, after recording the statement of the Petitioner under Section 313 of Code of Criminal Procedure, the prayer was made to send the said cheque to handwriting expert. The learned Magistrate has given cogent and sufficient reasons in Para 5 and 6 of the impugned order, so as to reject the prayer of the Petitioner. There is no perversity as such in the impugned order. No case is made out to cause interference in the impugned order. Hence, Writ Petition stands rejected.

[S.S. SHINDE, J.]