

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5637/2019

RAVINDRA LAXMAN SARADE PETITIONER

V/s.

M/S SAI EXPRESSWAY SERVICE AND ANR.... RESPONDENTS.

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Mr.Paras Yadav i/b Sumant Patale for the petitioner.

Mr.A.R.Kapadnis, APP for the State.

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CORAM : A. M. BADAR, J.

DATE : 18TH DECEMBER 2019.

P.C.:

1. Heard learned counsel appearing for the
petitioner/original accused. He argued that out of 5 cheques
which are claimed to have been dishonoured, the petitioner
had not issued the cheque for Rs.1,00,000/- dated 28.02.2017.
It is further argued that the name of the petitioner is deleted

from the Certificate of registration of establishment. It is further argued that in the plea, answer as to whether accused admits or denies the offence, is not written and therefore, proceedings deserves to be quashed.

2. I see no merit in the contention. The plea is already recorded by the learned trial Magistrate. Whether one cheque out of total 5 cheques was issued or not by the petitioner will have to be decided at the time of the trial. Undisputedly, 4 other cheques were issued by the petitioners in favour of the respondent/original complainant. There is presumption attached to such negotiable instrument when it is not disputed that the same is signed by the petitioner. The plea recorded by the learned trial Magistrate do show that question was put to the petitioner whether he is accepting commission of the offence or not. No answer is recorded to this question. However, that by itself is not sufficient for quashing the proceedings as prayed. No answer might have

been given to such a question. Therefore, no overbearing importance can be given to this fact. The petition is devoid of any merit, therefore, dismissed.

(A. M. BADAR, J.)