

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.797 OF 2019

SUBHASH ANKUSH CHAUDHARI ... PETITIONER.

VERSUS

**YOGESH DNYANESHWAR
KURHE AND ANOTHER ... RESPONDENTS.**

Mr.Nikhilesh Pote, Advocate for the Petitioner.

Mr.Adwait Bhonde, Advocate for the Respondent No.1.

Mr.S.V.Gavand, Additional Public Prosecutor for the State/
Respondent No.2.

CORAM : A. M. BADAR, J.

DATE : 21ST FEBRUARY 2020.

P.C.:

1. By this petition, the petitioner/accused has challenged order dated 01.12.2018 passed by the learned Additional Sessions Judge, Pune thereby rejecting his revision and confirming the order passed by the learned Magistrate on the application filed by him for referring cheque to the Hand-Writing Expert.

2. Heard learned counsel for the petitioner/original accused. He submits that except the signature on the cheque nothing was admitted by the accused, therefore, it was necessary to send the cheque for examination to the Hand-Writing Expert. It is necessary to have opinion of the Hand Writing Expert in respect of other particulars in the cheque.

3. As against this, learned counsel for the respondent No.1/original complainant opposed the application by supporting the impugned order.

4. I have perused the application made by the petitioner/accused for referring the cheque to the Hand Writing Expert.

5. The application proceed on the premise that except signature other concepts of the cheque are not in hand writing of the accused. The learned trial Magistrate after

hearing the parties has held that application is devoid of merits, therefore, same is liable to be rejected.

6. In revision petition, the matter was again considered by the learned revisional court. It is not in dispute that the signature on the cheque belongs to the accused. There is no need to write other particulars by the accused. Cheque can be prepared by anybody and what is relevant is the signature on the cheque. When the signature is not disputed by the accused, there is no point in sending the cheque for opinion of the Hand Writing Expert.

7. In this view of the matter, no infirmity is found in the impugned order. Discretionary power exercised by the learned Magistrate Court is neither arbitrary nor perverse, therefore, the order.

ORDER

Petition is dismissed.

(A. M. BADAR, J.)

