

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 CRIMINAL WRIT PETITION NO.2089 OF 2019

ROHINI W/O. UTTAMKUMAR KAMBLE

..PETITIONER

VERSUS

SATISH S/O. BABULAL BEDARKAR & ANR

..RESPONDENTS

...
Advocate for Petitioner : Mr. T.M. Venjane
APP for Respondent No.2: Mrs. G. L. Deshpande
Advocate for respondent No.1 : H. V. Patil

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CORAM : N.R. BORKAR, J.
DATE : 14.12.2021

ORDER :-

This petition takes an exception to the order dated 24.09.2019 passed by the learned Judicial Magistrate Mukhed below Exh. No. 72 in Regular Criminal Case No. 58 of 2013.

2. I have heard the learned counsel for the petitioner and learned counsel for respondent No.1 and learned A.P.P for respondent No.2 State.

3. The petitioner who is the informant in the aforesaid case had filed an application at Exh. 72 with the grievance that the specimen of signatures and handwriting of the accused were obtained in her absence. It is submitted that the investigating

officer ought to have obtained the specimen of signatures and handwriting either before the Court or in her presence. It is submitted that fresh specimen of signatures and handwriting of the accused be obtained either in presence of the Court or in presence of the informant.

4. The respondent accused objected to the prayer on the ground that the informant does not have any right to file application in a State case. It is further submitted that the application came to be moved after the evidence of five material witnesses is over. It is submitted that the trial Court rightly rejected the application.

5. No provision is pointed out in support of the submission that the investigating officer ought to have obtained specimen of signatures and handwriting of the accused either in presence of the informant or in presence of the Court. Therefore, no interference is called for in the order impugned. In the result, petition is dismissed.

(N. R. BORKAR)
JUDGE