

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

**CRIMINAL APPLICATION (APL) NO.870 OF 2014
WITH
CRIMINAL APPLICATION (APL) NO.871 OF 2014
WITH
CRIMINAL APPLICATION (APL) NO.872 OF 2014**

Dr. Anantpal Singh ... Applicant
Vs
The State of Maharashtra
& Anr. ... Respondents

...

Mr. Ujjwal Gandhi with Ms. Ankita Bamboli i/by Mr. Rishi
Bhuta for the Applicant.
Mr. A.R.Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : NOVEMBER 17, 2021.

P.C. :

Applicant is accused in Case Nos. 2003/SS/2011,
2004/SS/2011 and 2005/SS/2011 instituted by the
respondent under Section 138 of the Negotiable
Instruments Act, 1881. Pending prosecution, applicant
requested the Court to send dishonoured cheques to

chemical analyser to ascertain the age of the ink thereon. Applications were rejected on the ground that technology, has not developed to ascertain the age of the ink. Feeling aggrieved by this order, applicant has approached this Court in its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973.

2 Although notices were issued and served on the respondent (Complainant), none appears for him.

3 The learned counsel would also rely on the judgment of this Court in the case of **Aniruddha s/o. Vishnu Deodhar v. Smt. Meena w/o. Tilak Gupta CDJ 2013 BHC 186**, wherein the learned Judge of this Court has indicated in paragraph 2 that the technology to ascertain age of the ink on the disputed document is available at Central Forensic Science Laboratory at Hyderabad. If that be so, the learned Magistrate shall refer cheques in question to the Central Forensic Science

Laboratory at Hyderabad for appropriate report.

4 Needless to state that cost for such report shall be borne by the applicant-accused.

5 In consideration of the facts of the case and in view of the judgment of this Court in **Aniruddha Deodhar (Supra)**, the impugned order dated 26th June, 2014 is set aside. In consequence thereof, the learned Magistrate shall pass an appropriate order in application dated 19th February, 2013 moved by the applicant-accused in respective cases within a month from the date on which this order is brought to the notice of the Court.

6 Applications are allowed in the aforesaid terms and disposed off.

(SANDEEP K. SHINDE, J.)