

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION 190 OF 2020

Sau. Vanmala Rajendra Gautam,
aged about 63 yrs, Occ. Housewife,
r/o. Dhundi, Jawahar Nagar,
Pusad, Dist. Yavatmal

.....**PETITIONER**

...VERSUS...

Surjeetsingh Kalyansingh Bhatia,
aged 58 yrs, Occ. Business,
r/o. Udasi Ward, Pusad,
Tah. Pusad, Dist. Yavatmal

... **RESPONDENT**

Mr. Vaibhav N. Patre, counsel for petitioner.
Mr. Saurabh A. Chaudhari, counsel for respondent.

CORAM: ROHIT B. DEO, J.
DATE : 22.01.2021

ORAL JUDGMENT:

Heard Mr. Vaibhav Patre, the learned counsel for the petitioner and Mr. Saurabh A. Chaudhari, the learned counsel for the respondent.

2. The petitioner is an accused in proceedings under section 138 of the Negotiable Instruments Act.

3. The petitioner is aggrieved by the rejection of the application preferred, seeking handwriting expert's opinion qua

the disputed cheque.

4. The learned Magistrate has recorded that the petitioner – accused did not bring on record the evidence as would be the foundation for the prayer to be considered.

5. I see no error in the view taken by the learned Magistrate.

6. All that is done, till date, is a suggestion to the complainant that the accused has not signed the cheque.

7. There is no material on record to explain how the cheque is in the custody of the complainant. This is not the stage to make any observation on the burden of the accused. The learned counsel, who is appearing on behalf of the petitioner – accused knows better.

8. The order of the Magistrate is unexceptionable. No case is made out to seek handwriting expert's opinion, on the basis of the material presently on record of the trial Court.

9. The petition is dismissed.

Judge