

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

918 CRIMINAL WRIT PETITION NO.1491 OF 2016

DATTA S/O BABURAO NINGULE
VERSUS
BALIRAM S/O LAXMAN GAIKE

...

Mr. Nitin L. Dhobale, Advocate for the petitioner

CORAM : A.S. GADKARI, J.

DATE : 20th January, 2022

ORDER:

1. Petitioner has impugned the Order dated 22.08.2016 passed below Exh.61 in SCC No. 40/2014 thereby rejecting his application for sending the negotiable instrument in question and the document annexed at Exh. 31 to the handwriting expert for ascertaining author of the signatures thereof.
2. Heard Mr. Nitin L. Dhobale, learned Advocate for the petitioner. Perused record annexed to the petition.
3. Though it is the contention of the petitioner that, the cheque in question was given to the respondent towards security and or for some other reasons, he has admitted the fact that, the cheque in question was signed by him.

Once it is admitted by the petitioner that, he has signed the cheque, there is no need to send it to the handwriting expert to ascertain genuineness of the signature thereof.

4. As far as Exh.31 is concerned, the petitioner has not produced the said document on record and what is being referred to and relied upon by learned Advocate for petitioner is in fact marked as 'Exhi.32/C', an acknowledgment of registered post receipt of legal notice as contemplated under section 138 of the Negotiable Instrument Act.

5. According to this Court, Exh.32/C and Exh.31 are two different and distinct documents. Even the application filed below Exh.61 by the petitioner categorically refers to Exh. 31.

6. After perusing the impugned order, this Court is of the view that, the trial Court has not committed any error either in law or on facts while passing the same.

7. Writ petition is accordingly dismissed.

(A.S. GADKARI, J.)

JPC