

...Petitioner

Murad Madatali Patel and anr.

...Respondents

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Mr. Purushottam G. Chavan i/b Mr. Vijay Killedar for the Petitioner.
Mr. Y. Y. Dabke, APP for the State.

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CORAM : N.R. BORKAR, J.

DATE : 20 July 2022.

P.C. :-

1. This Petition takes an exception to the order dated 4 July 2016 passed by the learned Magistrate below Exhibit-42 in Summary Criminal Case No. 164 of 2014.

2. The Respondent No. 1 herein had filed the complaint case against the Petitioner for the offence punishable under Section 138 of Negotiable Instrument Act. By application at Exhibit-42, the Petitioner requested the trial Court that cheque and documents at Exhibit-30 to 39 be sent to Handwriting Expert for examination. The trial Court rejected the application at Exhibit-42 by the order impugned.

3. I have heard the learned counsel for the Petitioner. The learned Counsel for the Petitioner submits that documents at Exhibit-30 to 39 are forged documents and the Petitioner has never signed the said documents.

4. It appears that the Petitioner had not disputed issuance of cheque in question nor he disputed his signature on it. According to the Petitioner cheque was issued by way of security to one Sanjay Bhongule. Whereas, according to the Respondent No. 1, the cheque in question was issued to refund loan amount and documents at Exhibit-30 to 39 are loan receipts signed by the Petitioner. Considering the defense of the Accused, the trial Court was justified in rejecting the application. Even otherwise under Section 71 of the Indian Evidence Act, the Court can compare the signatures. No interference is thus called for in the order impugned.

5. Writ Petition is dismissed.

(N.R. BORKAR, J.)