

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

960 CRIMINAL WRIT PETITION NO.199 OF 2023

NISHIKANT SHARAD PRADHAN
VERSUS
RAMESH DIGAMBAR PATIL

...

Advocate for Petitioner : Mr. Vijay B. Patil
Advocate for Respondent : Mr. S.T. Mahajan

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CORAM : R. M. JOSHI, J.
DATE : JULY 26, 2023

PER COURT :

. Heard.

2. This petition takes exception to the order dated 09.01.2023 passed by the Additional Sessions Judge, Amalner in Criminal Revision Application No.19 of 2022 thereby rejecting the order dated 16.08.2022 passed by the Judicial Magistrate First Class below Exh.117 in S.C.C. No. 486 of 2015 whereby the handwriting on the disputed cheque was referred for opinion of second handwriting expert. The record indicates that an application came to be filed vide Exh.74 for referring the disputed document to the Chief State Examiner of the documents Handwriting and Photography Bureau.

The opinion was given by the handwriting expert on 05.02.2021. The opinion was expressed about contents of the cheque except signature. Thereafter application Exh.117 came to be filed for referring the said document to another handwriting expert for verifying the handwriting and seeking his opinion thereon. The said application was allowed by order dated 16.08.2022. Pursuant to the said order before a revision application could be decided, the opinion of the second handwriting expert is placed on record.

3. Having regard to the aforesaid facts, now there is no propriety in setting aside order dated 16.08.2022. It is always open for the learned Trial Court to consider the arguments of both sides with regard to these two opinions placed on record. All submissions of both sides are kept specifically open.

4. In view of this fact, following order is passed.

ORDER

(i) The petition stands allowed.

(ii) The impugned order dated 09.01.2023 passed by the Additional Sessions Judge, Amalner in Criminal Revision Application No.19 of

2022 stands set aside.

(iii) The learned Trial Court is directed to conclude the trial within a period of three months.

[R. M. JOSHI]
JUDGE

GGP