

VRJ

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

CRIMINAL APPLICATION NO.1410 OF 2022

S and S Wire Products Through its
Partner Vipulkumar Kartarchand
Bhutani and Anr.

... Applicants

V/s.

Tristar Inter Continental Pvt. Ltd. And
Anr.

... Respondents

Mr. Akhil Kupade with Mr. Niket Harit i/by Manoj
Harit & Co. for the applicants.

Mr. Milan Desai for the respondent No.1.

Mr. Arfan Sait, APP for the respondent No.2/State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 12, 2023

P.C.:

1. The application is directed against the judgment and order dated 16th November 2022, rejecting application of accused in a proceeding under section 138 of the Negotiable Instruments Act, 1881 raising objection to admissibility of document and marking the document as exhibits. According to the learned advocate for the applicants, the procedure under section 294(1) of the Code of Criminal Procedure, 1973 has not been followed. Opportunity of raising objection was not furnished to the applicant.

2. Learned advocate for the respondent invited my attention to the Roznama dated 14th March 2022, the Roznama indicates that

the advocate for the accused was present. He denied the execution of document. If that be so, there is no substance in the objection raised by the applicants that procedure under section 294(1) of the Code of Criminal Procedure, 1973 has not followed.

3. Even otherwise applicants' objection is not regarding in admissibility of the document or lack of proof of the document. Therefore, the impugned order cannot be termed as perverse.

4. The criminal application is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)