



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 486 OF 2024

Vaibhav Bharat Ugale

....Petitioner

VERSUS

State Bank Of India Majalgaon Branch
Through Gopal Gautam Jagdand

.....Respondent

.....
Mr. A.V. Lavte, Advocate for petitioner.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th MARCH, 2024

ORDER :

1. Petitioner is aggrieved by the order passed by learned Additional Chief Judicial Magistrate, Majalgaon, below Exhibit-62 in S.C.C. No. 89/2020, thereby rejecting the application filed by petitioner for sending the cheque given by petitioner to the bank, to handwriting expert for verification of age of ink of the signature and for verification of handwriting on said cheque.

2. Respondent has filed S.C.C. No. 89/2020 under section 138 of Negotiable Instruments Act, against petitioner contending that petitioner had obtained loan of Rs. 9 Lakhs under PMEGP loan scheme on 14.09.2019. At the time of

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disbursement of loan, blank signed cheques were given by petitioner towards security of repayment of loan. Thereafter, bank deposited cheque of Rs. 79,620/-, which is signed by petitioner on 16.12.2019 for encashment, which is bounced. Hence, respondent filed complaint against petitioner.

3. During the course of trial, petitioner filed application Exhibit-62 contending that the cheque in question was misused by bank, and it was not given by petitioner on 16.12.2019, but cheques signed by petitioner were given at the time of disbursement of loan, and therefore, it is necessary to ascertain the age of ink of signature of petitioner and since cheque is filled by employee of bank, said handwriting also needs to be verified by handwriting expert. Said application is rejected by the Trial Court. Hence, the present petitioner.

4. Heard learned advocate for petitioner. Perused the memo of writ petition, annexures thereto and the impugned order.

5. On perusal of documents placed on record and particularly the evidence of petitioner, it is clear that petitioner has admitted in his cross examination that the said signed

cheque was given by him to the bank and he had asked the bank to fill the cheque. Thus, petitioner has admitted his signature on the said cheque and the fact that the cheque was filled by employee of the bank. Admittedly, petitioner has obtained loan of Rs. 9 Lakhs and had given his blank signed cheques towards security of loan. In view of the admissions given by petitioner in cross, it is not necessary to send the cheque to verify age of ink of signature of petitioner. No useful purpose will be fulfilled by doing the said exercise and it will also prolong the trial. There is no merit in the challenge raised in the petition. No case is made out by petitioner to exercise extra ordinary writ jurisdiction. Writ petition is therefore dismissed.

[NITIN B. SURYAWANSHI, J.]