



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

CRIMINAL WRIT PETITION NO. 401 OF 2025

DILIP ANNAPPA SANGVE

VERSUS

DHANRAJ MAHARUDRAPPA MOKARI AND ANOTHER

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Advocate for the Petitioner : Mr. S. N. Lale Yelwatkar
APP for the Respondent No.2/State : Mrs. Ashlesha S. Deshmukh

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CORAM : SHAILESH P. BRAHME, J.

DATE : 25th MARCH 2025

PER COURT :

. Heard the learned Counsel for the Petitioner and learned APP for Respondent No.2.

2. The Petitioner is challenging order dated 18.03.2024 below Exhibit-83 passed by the trial Court and judgment and order dated 08.11.2024 passed in Criminal Revision Application No.36/2024. Concurrently both the Courts below have rejected the prayer of the Petitioner for referring the cheque in question for examination of handwriting expert.

3. Petitioner is accused in SCC No.252/2013 lodged by Respondent No.1 for offence under Section 138 of the Negotiable Instruments Act. The cheque of Rs. 6,25,000/- issued by the Petitioner was dishonoured. After statutory compliance, the complaint was filed against the Petitioner. Petitioner submitted application Exhibit-83 on 10.09.2023 for referring the cheque to the

handwriting expert which was declined by the trial Court and the Revisional Court.

4. Learned Counsel for the Petitioner submits that both the Courts below committed error of jurisdiction in rejecting application at Exhibit-83. He would submit that blank cheques were issued. Respondent No.1 misused the blank cheques. My attention is adverted to the correspondence between the parties in the form of notice and its reply. Learned Counsel would also advert my attention to cross-examination of the complainant.

5. As per theory of the Petitioner handwriting appearing on the disputed cheque is disputed and not the signature. A blank cheque is misused, is further theory of the Petitioner. Both the Courts below concurrently recorded that Petitioner did not challenge his signature on the disputed cheque. It is held that handwriting on the cheque does not carry significance in the given facts and circumstances. Therefore opinion of the handwriting expert would be of no relevance to decide controversy between the parties. I do not find there is any perversity or patent illegality in arriving at such conclusions.

6. Criminal Writ Petition sans merit. It is dismissed.

**SHAILESH P BRAHME
JUDGE**

NAJEEB..