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

946 CRIMINAL WRIT PETITION NO. 472 OF 2020

SAINAKSHATRA PRODUCTION PROP-AJITKUMAR LAXMAN
DHULE,
VERSUS

OM CHEMICALS PROP-SHRINIWAS LAXMINARAYAN BIHANI

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Mr M. K. Bhosale, Advocate for Petitioner

Mr Sagar P. Mahale, Advocate h/f Mr Shaikh M. A. Jahagirdar,
Advocate for Respondent

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 17th DECEMBER 2025

P. C. :

1. The petitioner is challenging the order dated 15/02/2020 passed by the learned Judicial Magistrate First Class, Shrirampur, below Exhibit 27 in SCC No.749/2018 filed for amendment of plea which came to be rejected. The observation of the learned Judicial Magistrate First Class, while passing the impugned order are that the complaint for the dishonour of cheque as provided under Section 138 of the Negotiable Instruments Act was filed and the plea was recorded at Exhibit 22 on 11/07/2019. The defence is recorded vide question No.4 as narrated by the accused, which reads thus :

“Q.4 :- Have you any defence to make ?

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Ans. Transaction and legal liability deny. There is no legal debt. No statutory notice is properly served.”

2. Now, the petitioner/accused wants to add defence of issuing stop payment direction to ban as the cheque was misplaced. While rejecting the said application, learned Judicial Magistrate First Class observed that, the matter is pending for recording cross examination and there is no provision to amend or extent to defence raised in the plea.

3. Learned Advocate for the petitioner submits that as per Section 243 of the Code of Criminal Procedure, he is required to seek such adding the plea. In support of his submissions he tenders the judgment passed by the Hon’ble Apex Court in the matter of **T. Nagappa Vs. Y. R. Muralidhar, 2008 ALL MR (Cri.) 1945 (S.C.)**. I perused this judgment. No doubt, it is pertaining to right of accused to defend himself and for that purpose to adduce evidence the Hon’ble Apex Court has passed this judgment on the said aspect, however, the instant case is quite different. Learned Advocate for the petitioner could not point out specific provision as regards amending the plea. Learned Advocate for respondent states that the petitioner has moved the said application in order to prolong the matter.

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4. In that view of the matter, the present petition is rejected.

[SUSHIL M. GHODESWAR, J.]

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