

Viriinder Darshan Khanna	...	Applicant
versus		
State of Maharashtra and Anr.	...	Respondents

Ghanshyam Mishra with Ms. Ekta Bhalerao, for Applicant.
Mr. P.P.Malshe, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 11 DECEMBER 2025

P.C.

1. Heard the learned Counsel for the Applicant.
2. The challenge in this Petition is to an order dated 18 November 2025 passed by the learned Magistrate, whereby the application preferred by the Applicant-accused to send a cheque in question for the opinion of the handwriting expert, to ascertain the authorship of the contents of the cheque, came to be rejected.
3. Mr. Mishra, the learned Counsel for the Applicant submitted that it was a specific defence of the applicant that the complainant had misused the custody of the blank signed cheque and it was necessary to send the cheque for the opinion of the handwriting expert to ascertain the authorship of the contents of the cheque.
4. During the course of the cross-examination of the complainant, a suggestion was put to the complainant that the cheque bears the signature of

the accused and the contents thereof were filed in by the complainant. The said suggestion was denied by the complainant.

5. The aforesaid suggestion implies that the signature of the accused on the cheque is not disputed.

6. Learned Magistrate has proceeded on the premise that once a blank signed cheque is delivered to the payee, the latter has the authority to fill in the contents thereof. Learned Magistrate has relied upon the judgment of the Supreme Court in the case of **Bir Singh V/s. Mukesh Kumar**¹.

7. The view taken by the learned Magistrate is impeccable. No case for sending the cheque for the opinion of the handwriting expert is made out.

8. Criminal Application, thus, stands dismissed.

(N.J.JAMADAR, J.)

1 (2019) 4 SCC 1997