



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.294 OF 2023

Mittal S/o Sharad Kothari .Vs. Shree Kanyaka Nagari Sahakari Bank Limited,
Chandrapur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.N. Kothari, Advocate for petitioner.

Shri A.I. Shah, A.P.P. for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 10/02/2025

1. Heard.
2. During the evidence of Branch Manager, the documents exhibited by the trial Court and produced by the bank who is the complainant objected by the petitioner on the ground that, the witness is not the signatory of the document and the contents are not proved.
3. Admittedly, the cross-examination is not yet conducted by the petitioner. Further, though during the argument, the learned counsel for the petitioner submits that the petitioner is disputing that the witness is a Branch Manager. Such suggestion can be given to the witness during the cross-examination which has not yet begun. Therefore, it cannot be accepted at this stage that the witness is not a Branch Manager.

4. All the documents, admittedly, were produced by the bank from its own custody and being Branch Manager, the witness got the documents exhibited. However, as per settled law it does not mean that the contents of it are proved.

5. The learned trial Court thus, rightly rejected the objection to exhibit the documents, on the ground that the petitioner is having an opportunity to cross-examine the witness.

6. In that view of the matter, as the reasons recorded by the learned trial Court while rejecting the objections raised by the petitioner, are just and proper and sustainable in the eyes of law, I do not find any merit in the present petition, accordingly, it is **dismissed**.

JUDGE