

MHAK010000432026



Presented on : 03.01.2026  
Registered on : 03.01.2026  
Decided on : 10.03.2026  
Duration : Y M D  
00 02 07

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT AKOLA.**

(Present : Rahul A. Shinde)

[District Judge-3 & Additional Sessions Judge- Akola]

**CRIMINAL REVISION NO. 01/2026**

**Exh. 05**

**Manikrao Laxmanrao Kausal**

Age – 66 Yrs., Occ.- Business,  
R/o. C/o. Dattatray Petroleum, Dealer of Bharat  
Petroleum Corporation, Kapshi Road,  
Tq. Dist. Akola.

...**Petitioner**

..Vrs...

**Mansi Amit Murarka**

Age: Adult, Occ.- Housewife,  
R/o. New Radhakisan Plot, Akola,  
Tq. Dist. Akola.

... **Respondent**

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Shri. R. R. Pali, Ld. Advocate for the Petitioner.  
Shri. P. V. Nirmal, Ld. Adv. for respondent.

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**-: J U D G M E N T :-**

( Delivered on this 10<sup>th</sup> March, 2026 )

Being aggrieved by order dated 18.11.2025 passed below  
application at Exh.68 by Ld. ACJM (Court No.09) Akola in SCC No.

1007/2019 thereby rejecting the application, the petitioner has moved present revision petition U/s. 438 of Bhartiya Nagarik Suraksha Sanhita, 2023.

**02)** The petitioner is the original accused and the respondent is original complainant in case SCC No. 1007/2019. (Hereinafter the parties are referred by their status in the said original proceeding).

**03)** It is the contention of accused that he is facing trial for the offence p/u/s. 138 of N.I. Act. The said complaint is fixed for defence evidence. The disputed cheque is not signed by accused and therefore he has prayed to refer the same for handwriting expert opinion. But, the Ld. Magistrate without considering the facts wrongly rejected the said application by passing impugned order. The Ld. Magistrate has committed grave error of law while rejecting the said application. Therefore, he prayed to set aside the impugned order.

**04)** Per contra, it is the contention of complainant that the revision petition against the said interlocutory order is absolutely not tenable in the eyes of law. Moreover, the Ld. Magistrate has properly considered the legal and factual aspect and rightly turned down the relief sought by accused. Therefore, the impugned order is proper, legal and correct. On this count, he prayed to dismiss the petition.

**05)** Heard Ld. counsel for both the sides at considerable length. Following points arise for my determination. I have recorded

my findings thereon for reasons thereunder :-

| <b>Sr. No.</b> | <b>Points</b>   | <b>Findings</b>     |
|----------------|---|---------------------|
| 1)             | Whether revision petition is maintainable ?   | No.                 |
| 2)             | Whether the impugned order suffers from illegality, incorrectness and impropriety ? | No.                 |
| 3)             | Whether impugned order requires interference ?                                      | No.                 |
| 4)             | What order ?  | As per final order. |

**-: REASONS :-**

**As To Point No. 1 to 4 :-**

06) At the outset, it is necessary to note here that, as per Section 438 (2) of Bhartiya Nagarik Suraksha Sanhita, 2023 the revision petition against interlocutory order is not maintainable and therefore, it is firstly necessary to decide whether the impugned order comes under the category of interlocutory order or not. To answer the same, it is necessary to refer the ratio laid down by Hon'ble High Court of Andhra Pradesh, **Goli Satyanarayan Reddy Vs. G. Mahesh and Anr**, [2020 Cri. L.J. 1696] it has been held that such order on the application seeking opinion of handwriting expert is interlocutory in nature. Moreover, the Hon'ble High Court of Madras in the case of **P. Pattabiraman Vs. S. R. Eswar**, [Crl. M.P (MD) No. 11447/2017] has also laid down the same principle of law. Therefore, I have no hesitation to hold that as the said order is

interlocutory in nature, the revision against the impugned order is not maintainable as per Section 438(2) of BNSS.

07] Moreover, it also appears that the disputed cheque is dishonored for insufficiency of fund and not for difference in the signature. The accused tried to put-forth the defence that it is signed by his son but the bank documents not returned it for any difference in the signature. In such situation, the contention of accused seems not bonafide. Moreover, the accused has not raised the said issue while replying the notice. Therefore, in my considered opinion, there is no need to refer the document to the handwriting expert. Hence, there is no any illegality or perversity or incorrectness in the impugned order. Therefore, the same not warrants any interference with the hands of revisional Court. Hence, for the said reason, I answer point Nos. 1 to 3 ***in the negative*** and in answer to point No.4, I proceed to pass following order :-

**:- ORDER :-**

The Revision Petition is hereby dismissed.

( Rahul A. Shinde )

District Judge-3 and A.S.J.,  
Akola.

Date : 10.03.2026

Certificate

I affirm that the contents of this P.D.F file are same word for word as per original order.

|                                |   |                                     |
|--------------------------------|---|-------------------------------------|
| Name of the Steno              | : | S. D. Tekade (Stenographer Grade-2) |
| Court Name                     | : | Additional Sessions Judge-3, Akola. |
| Date                           | : | 10.03.2026                          |
| Signed by presiding Officer on | : | 10.03.2026                          |
| Uploaded on                    | : | 10.03.2026                          |