


MHKO050000932019 	<u>Order below Exh.53 in SCC No.65/2019</u> Aniket Ashok Chavan Vs. Sagar Suresh Sharma <u>CNR No.MHKO050000932019</u>
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The instant application is filed by the accused persons praying for sending receipt (पोहोच पावती) filed at serial no.1 below Exh.42 to the handwriting and signature expert along with specimen signatures of the complainant.

2. Perused the application and reply filed below the same. Heard respective counsels.

3. It is the case of the accused persons that the receipt filed at serial no.1 below Exh.42 be sent to handwriting and signature expert after taking specimen signatures from the complainant.

4. Per contra, the complainant has opposed the instant application on the ground that the same is baseless, vague and filed with an intent to protract the trial.

5. I have carefully gone through the record. The instant proceeding is filed under section 138 of Negotiable Instrument Act. It is apposite to note here that the accused persons have nowhere disputed the cheque, the cheque return memos. The offence under section 138 of Negotiable Instrument Act is technical in nature. There exists presumption under section 139 of Negotiable

Instrument Act, it is for the accused to rebut the same. Perusal of the instant application show that the same is completely silent about the grounds to send receipt for opinion of handwriting expert. The instant application is completely silent about the reasons, grounds and the requirement for the same. The matter is at initial stage and is pending for evidence of complainant. Thus, the application being devoid of merits cannot survive. In the result, I proceed to pass following order :-

ORDER

Application stands rejected.

(Dictated and Pronounced in Open Court)

Date- 07/01/2023
Ichalkaranji

(S. A. Ingley)
Judicial Magistrate First Class,
Court No.2, Ichalkaranji.

-- C E R T I F I C A T E --

I affirm that the contents of this P.D.F. file Judgment/ Orders are same, word to word, as per the original Judgment / Order.

Name of stenographer	R. D. Jadhav
Name of Court	Sou. A. S. Jadhav, 4 th Jt. Civil Judge Jr. Div., Ichalkaranji.
Date of Dictation	07/01/2023
Order signed by P.O. on	07/01/2023
Order uploaded on	07/01/2023