

Order below Exh.70 in S.C.C 325/2020**(CNR No.MHRT050006612020)**

1. The complainant has filed this application under section 72 of B.S.A., 2023.
2. The complainant contended that, during the cross examination of the complainant the signature of the accused on the cheque is denied by the accused. In the evidence of the complainant loan application, promissary note, guarantee deed are proved at Exh.49, Exh.50 and Exh.51. In view of defence of the accused the Court may compare signatures of the accused in the record of this case at Exh.6, Exh.12, Exh.9 with signature on the cheque which is at Exh.54 under Section 72 of B.S.A., 2023 and Court may record its finding accordingly.
3. The accused filed say on this application at Exh.70 that, the complainant has filed this application for collection of evidence. This application is false. This application be rejected.
4. Heard Learned Advocate for the complainant and Ld. Advocate for the accused. The record of this case reveals that this case is instituted in the year 2020 and is pending since then. Therefore first of all Section 72 of B.S.A., 2023 is not applicable to this case in view of Section 170(2)(Repeal and Savings) of B.S.A., 2023. If this application is considered under corresponding

provision of the Indian Evidence Act Section 73, it can be seen that, the power under Section 73 is discretionary power of the Court.

5. It can be seen that, this case is filed by the complainant under Section 138 of The Negotiable Instruments Act, 1881. The complainant in this application has also contended that, during the cross examination the signature of the accused on the cheque is denied by the accused. On perusal of the cross examination of the complainant at Exh.47 it appears that, the suggestion was put to the complainant that the signature on the cheque is not of the accused and this suggestion is denied by the complainant. The complainant has to prove its own case with its oral and documentary evidence. Considering denial of the suggestion put by the accused regarding signature and the exhibit given to the cheque at Exh.54 in the evidence of the complainant no prejudice will be caused to the complainant if this application is rejected. For the reasons aforesaid I pass the following Order :

ORDER

The application at Exh.70 is rejected with costs.

Date: 07/08/2026

(S. S. Mulani)

Place: Khed.

JMFC Court no.2, Khed.

CERTIFICATE

Case No.	:	S.C.C.No. 325/2020
I affirm that the contents of this pdf file order are same word as per original order.		
Name of Clerk	:	Shri. J. D. Ambekar
Court Name	:	2 nd Jt. CJJD & JMFC Court, Khed
Date of Decision	:	07/08/2026
Order signed by Presiding Officer on	:	07/08/2026
Order uploaded on	:	07/08/2026