

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 769 of 2021**

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SANJAYBHAI BHIKHUBHAI KAPADIYA

Versus

STATE OF GUJARAT

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Appearance:

MRS NASRIN N SHAIKH(2451) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS C.M. SHAH APP(2) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE UMESH A. TRIVEDI**Date : 17/12/2021****ORAL ORDER**

Heard Mrs. Nasrin N. Shaikh, learned advocate for the applicant. According to her submission, recording an order of acquittal on the ground that complainant has failed to prove through the evidence of hand-writing expert that the signature on the cheque is of the accused. As such according to her submission, the accused issued cheque to the complainant by signing differently to the signature which he is regularly signing in the bank, which would not have been anticipated by the complainant and therefore, according to her submission, onus lies on the accused to show that cheque is not issued by him or not issued on his account and signature appended thereto is not of him.

Hence, **Rule**. Ms. C.M. Shah, learned APP waives service of notice of rule for and on behalf of respondent – State.

(UMESH A. TRIVEDI, J.)

Raj S. Dhobi