

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2286/2026

Mangi Lal Gurjar S/o Shri Krishanlal Gurjar, Aged About 67
Years, R/o Village Goreal, Panchyat Sisarama Tehsil Girava
District Udaipur Raj.

-----Petitioner

Versus

Ghaneshwar Gurjar Goad S/o Phoolshankar Goad, R/o Nai Aabdi
Gordhan Vilas District Udaipur Raj.

-----Respondent

For Petitioner(s)	: Mr. Jeetender Singh Khichi
For Respondent(s)	: Mr. Ramesh Devasi, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

28/03/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 of BNSS against the order dated 20.08.2025 whereby the application under Sections 45 and 73 of Indian Evidence Act was rejected as well as the order dated 28.01.2026 passed by Special Judicial Magistrate (NI Act Cases) No.6, Udaipur in Regular Case no.15229/2015 whereby application under Section 311 Cr.P.C. was also rejected.

Learned counsel for the petitioner submits that the proceedings under Section 138 N.I. Act are pending against the petitioner, wherein he has clearly stated that a cheque of Rs. 6300/- was issued. However, the complainant has inserted "9" before the said amount in the numeric as well as converted "छः" into "छनू" to reflect a cheque of Rs. 96,300/-. The said document has been placed on record.

This Court has perused the cheque which is marked as Exhibit-1. There is apparent tampering with the said cheque. The amount written in words clearly appears to be tempered and the digit "9" is visibly distinct and different from other entries. The petitioner has therefore preferred an application seeking to send the cheque for examination of the FSL, but the same has been rejected.

This Court has considered the matter and there could be no better case before learned trial Court to have sent the case for FSL examination. The application has been rejected by the learned trial Court by order dated 20.08.2025 without due application of mind.

In view of the same, this Court is inclined to interfere.

Issue notice to respondent, returnable within two weeks.

Notice '*dasti*' be given to the learned counsel for the petitioner.

In the meanwhile, further proceedings in Regular Case C.I.S.No.15229/2015 pending before the Special Judicial Magistrate (N.I. Act Cases) No.6, Udaipur shall remain stayed.

(BALJINDER SINGH SANDHU),J