

06-06-2022
Subha
Item no.19
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1780 of 2022

In the matter of : **Soumitra Kundu Choudhury**petitioner.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Golam Mastafa
Mr. Subir Sabud

.....for the petitioner.

Learned advocate for the petitioner has challenged the proceedings of Complaint Case No. 539 of 2020.

It has been submitted that the signature which is appearing in the cheque is not that of the petitioner and he has unnecessarily being implicated as the sole accused person in the case under Section 138 of the Negotiable Instruments Act, 1881.

Learned advocate denies the allegations so far as the factual circumstances relating to loan, which has been referred to in the petition of complaint.

I have considered the contentions advanced by the learned advocate appearing for the petitioner and I find that the same are disputed question of facts which are to be rebutted in course of trial. So far as the issue of signature is concerned, I find that two names are appearing in the cheque leaf and one of the names happen to be of the petitioner. However, whether the signature is that of the petitioner or

not are to be adduced in course of trial or rebutted by way of cross-examination.

Having regard to the contentions advanced by the petitioner, I am of the opinion that no interference can be made at this stage of the case pending before the learned Magistrate. However, the petitioner would be at liberty to canvass the points agitated in the present revisional application at the stage of cross-examination, defence evidence and final arguments of the case.

With the aforesaid observations, the present revisional application being CRR 1780 of 2022 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]