

20.
27-06-2023
(ct. no.34)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction**

CRR 2317 of 2023

In re: An application under Section 401 read with Section 482
of the Code of Criminal Procedure, 1973.

- A n d -

In the matter of : Nashiruddin Mondal

.... Petitioner.

Mr. A. N. Ray,
Mr. N. C. Dey

... For the Petitioner.

The revisional application has been preferred challenging the continuance of the complaint case under Section 138 of the Negotiable Instrument Act pending before the learned Metropolitan Magistrate, 14th Court, Calcutta.

I have considered the contentions advanced in the revisional application which are restricted to the issues of supply, forging of the signature, preparing false agreement. The scope of the Negotiable Instrument Act in course of the trial provides an opportunity to an accused to canvass such point. On the question of fact, petitioner would be at liberty to avail of such issues in course of the trial. No interference can be summarily made by interfering in the process of progress of trial of cases under Section 138 on question of fact.

Accordingly, the revisional application being CRR 2317 of 2023 is disposed of. Pending application, if any, is also disposed of. Learned Magistrate would allow the petitioner to canvass such issues before the learned trial Court which are advanced in the present revisional application in course of trial and at the stage of final argument of the case.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)