

18.09.2023
Serial no. 38
[G.S.D]

CRR 3522 of 2023

In the matter of : Aparna Pal

... .. Petitioner

Mr. K. K. Chakraborti

Ms. Srijani Das

Mr. Dhiman Banerjee

... For the petitioner

The subject-matter of challenge is the order dated 17th of August, 2023 passed by the Ld. Metropolitan Magistrate, 14th Court, Calcutta in connection with CS 458 of 2020. After the examination under Section 313 of the Cr.P.C. was over, at the defence witness stage, an application was preferred, wherein signature in the cheque was challenged and it was stated that the signature has been forged. Specifically a query was made to the Id. Advocate for the accused/petitioner as to whether such a question was asked to the P.W.1 at the time of cross-examination of any prosecution witness regarding the signature being tampered. Such being not the case, until and unless the defence by way of adducing appropriate evidence, particularly of the bank authority, who has endorsed insufficient funds, it is very difficult for a court of law to direct the signature to be cross-checked by an expert.

However, the petitioner would first establish its case by way of defence witness regarding the signature concerned then only if circumstances or the attending circumstances so demand prefer such application. So far as the present order is concerned which was passed by the Id. Metropolitan Magistrate, 14th Court, Calcutta the same is not interfered with.

With the aforesaid observations, CRR 3522 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)