

10.10.2023

Item No.28
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3610 of 2023

In the matter of : **Sri Avijit Chakraborty** ... Petitioner.

Mr. Soumik Ganguli ... For the Petitioner.

Mr. Subhas Chandra Atha ... For the Opposite Party No.2.

The petitioner has challenged the order dated 04.08.2023 passed by learned Chief Judicial Magistrate, Bankura in connection with Complaint Case No. 404C of 2022.

Mr. Ganguli, learned advocate appearing for the petitioner submits that the petitioner has challenged the authenticity of the cheque particularly with regard to the contents therein including the signature.

Learned advocate appearing for the complainant/opposite party no.2 opposes such contention of the petitioner.

Mr. Ganguli, learned advocate for the petitioner draws the attention of the Court to the cross-examination of PW-1.

I have perused the materials which is enclosed along with the revisional application and it has also been submitted and admitted by both the parties that the prosecution evidence is over. If there is any issue regarding the signature in the cheque, the bank authorities are to be called first to check from the records of the bank as the cheque was not dishonoured on the grounds of signature differs, but was dishonoured for insufficient fund. Accordingly, it would be

the liberty of the accused/defence to call the bank authorities for verification of the signature in the cheque and thereafter canvass their pleas before the court concerned. No further interference is made in respect of the order dated 04.08.2023.

From the documents which have been enclosed along with the revisional application, it is reflected that the examination of the accused under Section 313 of the Code of Criminal Procedure is over. Accordingly, it would be at the discretion of the defence/accused to call for or tender the bank authorities in evidence to verify regarding the signature in the cheque as *prima facie* from the complaint, it reflects that the cheque was dishonoured for insufficiency of fund.

With the aforesaid observations, the revisional application being CRR 3610 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)