

29.01.2024.
Item no. 33
Ct.34
PG

C.R.R 87 of 2024

**Nawrang Lal Gurjar
Vs.
Sri Vinod Kumar Poddar**

Md. Abdur Rakib
Ms. Gitika Agarwal.....for the petitioner

The petitioner has challenged the order dated 9th August, 2023 passed by the learned Additional Sessions Judge, 1st Fast Track Court, Bichar Bhawan, Calcutta in connection with the Criminal Revisional Application No. 1 of 2023, which affirmed the order dated 2nd December, 2022 passed by the learned Metropolitan Magistrate, 11th Court, Calcutta in connection with Complaint Case No. 768 of 2020.

The petitioner took out an application challenging the signature, which was appearing in the cheque.

According to the petitioner, the stage at which such application was taken out was prior to evidence commencing. Petitioner obviously, is entitled to have the signature in the cheque challenged but the same must, first appear in evidence to be challenged when the right would accrue to the petitioner.

The order dated 2nd December, 2022 passed by the learned Metropolitan Magistrate, 11th Court, Calcutta prior to any evidence being recorded, reflects that the next date was fixed for the purposes of evidence.

Accordingly, I do not find any infirmity in the order passed by the learned Metropolitan Magistrate, which was subsequently affirmed by the revisional Court/Sessions Court in Criminal Revisional Application No. 1 of 2023 (vide order dated 9th August, 2023). As such, no interference is called for.

The petitioner shall be at liberty to take up the issue at the appropriate stage, if the cheque is exhibited and is admitted in evidence.

With the aforesaid observations, C.R.R. 87 of 2024 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)