

12.09.2025
Item No.23
Court No. 26
CHC
Bench ID: 265691

C.R.R. 1901 of 2025

In Re:- An application under Section 442 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (formerly under Section 401
of the Code of Criminal Procedure, 1973).

And

In the matter of : Narayan Halder
..... petitioner

Mr. Debabrata Acharyya, Advocate
Mr. Sital Samanta, Advocate
...for the petitioner

1. Revisional applicant assails order dated February 27, 2025 passed in Case No. C1705 of 2021.
2. Learned advocate appearing for the petitioner submits that, the original complainant initiated a proceeding which was registered as C1705 of 2021. Original complainant expired. On the death of original complainant, a substitution application was allowed and opposite party no.2 was substituted in place and stead of the original complainant.
3. Learned advocate appearing for the petitioner submits that, no legal heir certificate was submitted in order to establish that, the opposite party no.2 is the heir of the original complainant.
4. It appears from the records that, the original complainant was Gouri Ash described herself to be a daughter of Tablu Ash. Complaint relates to breach of the provisions of Section 138 of the Negotiable Instruments Act. The opposite party no.2 applied for substitution on death of Gouri Ash. The opposite

party no.2 is the wife of Tablu Ash. Consequently, opposite party no.2 is the mother of the deceased Gouri Ash. Therefore, I find no material irregularity in the impugned order warranting interference.

5. CRR 1901 of 2025 is **dismissed**.

(Debangsu Basak, J.)