

21.11.2025
p.b.
S.L. No.7.
Ct. No.23.

CRR 2194 of 2016
With
CRAN 7 of 2025

Jummun Ali Khan & Anr.
Vs.
Kadar Sk. alias Maniruddin Sk. & Ors.

Mr. Chitta Ranjan Chakraborty,
Mr. Md. Nure Zaman,
Mr. Sumit Banerjee,
Ms. Puspa Rani Jaiswara.
.....for the petitioners.

Mr. Debasish Ray,
Mr. Imran Ali,
Mrs. Debjani Sahu.
.....for the State.

1. The affidavit of service, filed by the petitioners in Court today, is taken on record.
2. The instant revisional application has been filed under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 (in short Cr.P.C.), challenging the impugned order dated 10th May, 2016, passed by the learned Additional Chief Judicial Magistrate, Katwa, Burdwan.
3. By the said order, it was directed to the de-facto complainant to supply the number of the Civil Suit and the specific documents from which the original

signature of Kadar Sk. can be obtained for examination of the signature.

4. It is submitted by the learned advocate appearing on behalf of the petitioner that earlier a revisional application has been filed before this Court vide CRR 1341 of 2010. The said matter was heard by the Coordinate Bench on 2nd February, 2012, directed inter alia that the learned Magistrate to take up the matter seriously because a person who is not an accused cannot be arrayed to face a charge and trial. Therefore, the Trial Court is directed to collect civil court record containing the original signature of Kadar Sk. and Adar Sk. and the original documents bearing signatures, which are available in the criminal case lying in its own Court. Thereafter, he sent all the signatures to the expert for opinion and after getting opinion, the trial court came to the conclusion.

5. It was further directed that the duty is now cast on the Court not to the parties.

6. Having heard the learned counsels for the parties and on perusal of the record, it reveals that the Coordinate Bench specifically held the duty was cast upon the Court to collect the signatures from the documents and verify through hand writing expert. Despite such direction, the trial Court has directed to supply the case

number as well as specific documents from where the original documents of Kadar Sk. was obtained.

7. From the record, it appears that the defacto complainant has already supplied the case number and documents filed in Civil Court by Firisti. All details are available on the record itself from where everything can be collected by the Trial Court.

8. Without considering the order of the High Court, the Trial Court has further directed the defacto complainant to supply the Civil Court's case number and original documents bearing signature of Kadar sk. and Adar Sk. The error is apparent on the face of record.

9. Accordingly, the said order is set aside.

10. The Trial Court is directed to follow the order passed by the Hon'ble Co-ordinate Bench dated 2nd February, 2012, and act accordingly as expeditiously as possible and send signatures obtained from the documents and following all other formalities to the expert for opinion and after obtaining the opinion from the hand writing expert, the Trial Court shall finally come to a logical conclusion.

11. Parties are directed to assist the trial court for such exercise as aforesaid.

12. With the above observation, the revisional application being **CRR 2194 of 2016** is disposed of.

13. The application being **CRAN 7 of 2025** and other connection applications, if any, are also disposed of.
14. Interim order, if any, stands vacated.
15. All parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)