

CRR 2913 of 2024

Hari Govind Jaiswal
Vs.
The State of West Bengal & anr.

Adv. Satadru Lahiri,
Adv. Sumit Kumar Dey,
Adv. Syed Wasim Faruque,

...for the petitioner.

Adv. Suman De,
Adv. Kanchan Roy,

...for the State.

Heard learned counsels for the parties.

The petitioner has assailed the order dated 11th June, 2024 passed by the learned Chief Judicial Magistrate, Calcutta in GR 1269 of 2023 rejecting the *naraji* application filed by him.

The order impugned records that it appears from the report submitted by the Questioned Documents Examination Bureau (in short QDEB) that the authorship of the disputed signature could not be fixed up upon examination of the document.

Record reveals that the allegation against the private opposite party is that he executed a leave and license agreement with one Suraj Mondal by personating the signature of the petitioner. The QDEB compared the disputed signature in the agreement with admitted signatures of the private opposite party and not that of the petitioner. Needless to mention that since the signature of the petitioner in the agreement is alleged to be forged, the QDEB ought to have compared the disputed signature in the agreement with the admitted signature of the petitioner instead of comparing the same with the admitted signature of the private opposite party. Also, the other aspects of the allegations made against the private opposite party have not been investigated upon by the investigating officer. Final report has been

submitted only on the anvil of the QDEB report and no other aspect of the allegations made against the private opposite party was dealt with by the investigating agency.

In view of the above, this Court is inclined to hold that the investigation has been conducted in a slipshod manner and the matter ought to be sent for further investigation in order to unravel the truth. The QDEB ought to compare the disputed signature of the petitioner in the agreement with the admitted signatures of the petitioner and submit a report accordingly. The investigating agency is directed to deal with all the aspects with regard to the allegations made in the FIR and hold a thorough and comprehensive investigation before proceeding to submit a report in the final form.

The order impugned dated 11th June, 2024 passed by the learned Chief Judicial Magistrate, Calcutta in GR 1269 of 2023 is quashed/set aside. The matter be sent for further investigation in the light of the observation made in this order.

Case Diary be returned.

CRR 2913 of 2024 is disposed of.

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

(Suvra Ghosh, J.)