

IN THE HIGH COURT OF CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Md. ShabbarRashidi

CRR3559 of 2025

SudipGhosh

Vs.

Alok Roy

For the petitioner : Mr. Moyukh Mukherjee, Adv.
Mr. ArunabhaGanguly, Adv.
Mr. Koustav Bhattacharya, Adv.
Mr. S. Mondal, Adv.

For the opposite party : Mr. SantanuTalukdar, Adv.

Heard on : 16.09.2025

Judgment on : 16.09.2025

Md. ShabbarRashidi, J.:-

1. The instant revisional application has been filed assailing an order, being Order No.1 dated 15.06.2024 passed by the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly in C.R. 141 of

2024. By the said order, the Additional Chief Judicial Magistrate, Arambagh, Hooghly took cognizance of the offence under Section 138 of N. I. Act as against the petitioner.

2. Private opposite party lodged a complaint case on the allegations that the petitioner issued a cheque in favour of the private opposite party which was presented for encashment and was dishonoured.

3. Learned Additional Chief Judicial Magistrate by the impugned order, upon examining the complainant, proceeded to take cognizance of the offence under Section 138 of N. I. Act against the petitioner.

4. It has been submitted by the learned advocate for the petitioner that the petitioner was taken away by the private opposite party and he was forced to sign on cheque by the private opposite party. The petitioner lodged written complaint over the issue which was registered as an FIR, being FIR No.70/2024 dated 17.02.2024 under Sections 341/323/325/384/34 of IPC against one Suman Ash and others.

5. Learned advocate for the private opposite party submits that the petitioner has been running hospital business and there was dispute between the partners. The private opposite party and the present petitioner are the partners of such business. The aforesaid dispute has led to the cases instituted by and between the parties.

6. So far as the petition of complaint lodged by the private opposite party is concerned, the private opposite party has come up with a different allegation that the private opposite party advanced some amount of money for being a partner in the business. However, later on he withdrew from the partnership and the petitioner agreed to pay the private opposite party an amount of Rs. 11,70,000/- to discharge his existing legal debts and/or liability towards the private opposite party. Accordingly, the private opposite party issued a cheque of such amount which was dishonoured giving rise to the instant complaint.

7. By the impugned order, the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly thus taken cognizance of the case and has transferred the case to his own file for taking up the trial.

8. So far as the rival contentions with regard to issuance of cheque, dishonor of cheque or obtain signature of the petitioner on the cheque forcefully by the private opposite party is concerned, the matter is pending trial before the appropriate court by way of complaint case under Section 138 of N. I. Act and one police case filed by the petitioner with regard to obtain signature of the petitioner on the cheque forcefully by the private opposite party. The trial is yet to be taken up and the allegations made in such cases are yet to be adjudicated before the trial court.

9. In such circumstances, I find no reason to quash the proceedings of C.R. 141 of 2024 at this stage.

10. Accordingly, CRR 3559 of 2025 is dismissed.

11. Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all necessary formalities.

(Md. ShabbarRashidi, J.)