

Court No. 6
(265719)

26.06.2025
(A 191)
(S. Banerjee)

CO 4409 of 2025

Nakul Chandra Sahu
Vs.
Pasupati Barman & Ors.

Mr. Uttam Kumar Bhattacharyya
Mr. Kaustuv Mishra

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 312 dated September 12, 2024 passed by the learned Civil Judge (Jr. Division), 2nd Court, Tamluk, Purba Medinipur in J. Misc. (P) 107 of 2014.

By the order impugned the application filed by the petitioner herein praying for scientific investigation/forensic investigation with regard to the signature of one 'Motilal Mondal' in the resolutions dated November 27, 1988 and March 18, 1990, stood rejected.

Learned advocate appearing for the petitioner submits that on perusal of the said resolution with bare eyes it is evident that different inks were used in the said documents and for which the scientific investigation is absolutely necessary.

After going through the records of this case, this court finds that on an earlier occasion the petitioner filed an application praying for scientific investigation of the resolutions dated November 27, 1988 and March 18, 1990. The same was initially rejected by the learned trial judge. Thereafter, the petitioner challenged the order rejecting the prayer for scientific investigation by filing a civil revision application which ultimately stood allowed by an order dated January 29, 2015 in CO 2288 of 2008.

Thereafter, the questioned documents were sent for scientific investigation for the purpose of verification and identification of the signature of 'Motilal Mondal' in the resolutions dated November 27, 1988 and March 18, 1990. Though in the first report submitted by the expert it was mentioned that no verification could be made due to poor quality of the Xerox copy of the questioned documents, subsequently the original resolution book containing the resolution dated November 27, 1988 and March 18, 1990 were sent to the expert and thereafter examination of the signature of 'Motilal Mondal' in the said resolutions were done. The expert submitted a report dated August 7, 2018. Thereafter, the petitioner filed the instant application praying for scientific investigation of the aforesaid resolution dated November 27, 1988 and March 18, 1990. When

similar prayer for scientific investigation was allowed by this Hon'ble Court and pursuant to such order a scientific investigation was already done, this court is of the considered view that the learned trial judge was right in rejecting the said application.

Accordingly, CO 4409 of 2024 stands dismissed without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)