

08.04.2026
Sl. No. 57
Ct. No. 42
P.M.

CRR 381 OF 2026
Sekhar Borgohain
- Vs -
Tata Capital Limited & Anr.

Mr. Sandip Ghose,
Mr. Subrata Das
... for the petitioner

1. Present revision petition has been filed challenging the order dated 30th October, 2025 whereby the summons have been issued against the accused persons/petitioner for trial under Section 138 of the Negotiable Instruments Act.
2. Petitioner aggrieved by this order has invoked the revisional jurisdiction of this court.
3. Section 438 of the BNSS and 397 of Cr.P.C. (akin to Section 438 and Section 442 of BNSS) confers concurrent revisional jurisdiction upon this court and the Sessions Court. However, this Court in CRR 2785 of 2025, titled as **Manoranjan Maity & Anr. Vs. Tanusree Pal (Maiti)**, has returned a view that in case of the concurrent jurisdiction the petitioner is required to invoke the jurisdiction before learned Sessions Judge at the first instance except in the exceptional circumstances.

4. In the present case this petition is disposed of with a direction that the petitioner may invoke jurisdiction before the learned Sessions Judge as provided under Section 438 BNSS.
5. Certified copy be returned as per rules.
6. It is made clear that this Court has not gone into the merits of the case and no expression made herein shall tantamount to be in expression on the merits of the case.
7. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)