

WBCS010001472026



Presented on : 20-02-2026

Registered on : 20-02-2026

Decided on : 30-06-2026

Duration : 4 months & 10 days

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE,
FAST TRACK COURT NO.1, CITY SESSIONS COURT, CALCUTTA**

Criminal Revision No. 32 of 2026

Present :

Koustuv Mukhopadhyay

(JO Code-WB 01059)

Addl. Dist & Sessions Judge,

Fast Track Court No.1,

Bichar Bhavan, Calcutta.

A revision application U/S- 438 read with Section 440 of the Bharatiya Nagarik Suraksha Sanhita as against the order dated 17.02.2026 passed by the Ld. Judicial Magistrate, 20th Court, Calcutta in connection with CS-121632 of 2022.

Nilkantha Saha

.....Revisionist.

v.

1. Shining Vyaapar Pvt. Ltd.

2. State of West Bengal

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.....Opposite parties.

Date of Judgment:- **30.06.2026**

JUDGMENT

Introduction

1. The present criminal revision has been preferred by the petitioner/revisionist challenging the order dated 17.02.2026 passed by the Ld. Judicial Magistrate, 20th Court, Calcutta in connection with CS-121632 of 2022 whereby the Ld. Trial Court rejected an application dated 11.02.2026 u/s 311 of Cr.P.C.

2. The Ld. Trial Magistrate rejected the said application on the ground that it was filed to delay the process and to fill up lacuna.
3. Being dissatisfied with the impugned order the accused preferred this criminal revision and his submission was that a commercial suit is pending between the parties originating from same cause of action and same instrument and regarding that only three questions are absolutely needed to be asked to the complainant (PW1) in cross-examination.
4. According to the Ld. Advocate for the revisionist, it is very pertinent to ask those three questions which are categorically enumerated in para-4 of the impugned application u/s 311 of Cr.P.C as unless those questions are asked, the accused won't be in a position to substantiate his defence case at the time of argument.
5. He prayed for allowing the instant criminal revision with the permission to cross-examine the PW1 once again on recall solely for the purpose of asking those three questions as mentioned above.
6. At the same time Ld. Advocate for the private respondent cum complainant raised objection against this application for recall as to him it was filed only to delay the process and harass the complainant as those questions have no binding and relation with the contention of the complaint case which is confined only to the allegation u/s 138 of NI Act.
7. However, he submitted that if the instant criminal revision is allowed in favour of the revisionist then specific direction must be given to the Ld. Trial Magistrate to fix a specific date on which the PW1 will face cross-examination on recall wherein only those three questions as enumerated in the recall petition and nothing else other than that will be asked.
8. After considering both sides submission and the submission of State, I hold that without entering much into the merit of the recall petition and its possible impact on the outcome of the complaint case, I prefer to allow the

instant criminal revision and thereby the recall application dated 11.02.2026 filed u/s 311 of Cr.P.C gets allowed.

9. I direct the Ld. Trial Magistrate to fix a specific date positively within next two months from today on which date PW1 shall appear before the Ld. Trial Magistrate to face the cross-examination on recall only for the purpose of receiving the three questions as enumerated in the recall application.
10. I remind both sides that come what may be the reply of those three questions, no way the Ld. Advocate for the complainant shall be permitted to ask any fourth question which is not mentioned in the recall application dated 11.02.2026.
11. It is within my knowledge that the regular PO is not there in that Court as presently the Court of Ld. Judicial Magistrate, 20th Court, Calcutta is lying vacant after transfer of the regular PO.
12. Under such circumstances, the Ld. Judicial Magistrate who is in charge of that Court shall arrange for such cross-examination of PW1 on recall by fixing a specific date as held by me in the early part of this order.
13. The concerned Bench Clerk of the Court of Ld. Judicial Magistrate, 20th Court, Calcutta is directed to bring the matter to the notice of the Ld. Magistrate who is in charge in that Court at the earliest.
14. No order is passed as to cost and the revisional application seems to be properly stamped.
15. Hence, it is

ORDERED

that the instant criminal revision be and the same is allowed on contest and on merit without any order of cost.

16. The order dated 17.02.2026 passed by the Ld. Judicial Magistrate, 20th Court, Calcutta in CS-121632 of 2022 is hereby set aside.

17. Both sides are directed to take steps before the Court of Ld. Judicial Magistrate, 20th Court, Calcutta on 15.07.2026 and my office to transmit the TCR along with a copy of this judgment to the concerned Court without delay.
18. Let a copy of this judgment be uploaded in the CIS as per Rule 186A of CRRO of Hon'ble High Court, Calcutta.
19. The instant criminal revision is disposed of on merit on this 30th day of June, 2026.

Dictated & Corrected.

Koustuv Mukhopadhyay
(JO Code-WB 01059)
Addl. Dist & Sessions Judge,
Fast Track Court No. 1,
Bichar Bhavan, Calcutta.