

**Complaint Case No. 549 of 2024**

**Order dated 16.12.2025**

Record is fixed today for passing order with respect to the petition for appointment of hand-writing expert.

Both parties filed their respective hazira.

Now, the record is taken up for passing order.

On perusal of the instant petition, this Court finds that by filing the instant petition, the accused person prayed for appointment of hand-writing expert or to send the said cheque to a forensic laboratory for an expert report and he further stated that during business transaction, the opposite party has issue a cheque being no. 000010 amounting to Rs. 40,000/- only to the petitioner and in the said cheque, the complainant put the date and the amount in words and subsequently, he has paid the said amount in cash to the complainant but the complainant has not returned the said cheque to the opposite party and all of a sudden, the complainant received a legal notice dated 05.06.2024 from the Ld. Advocate of the complainant from which he came to know that a cheque being no. 000010 dated 10.04.2024 amounting to Rs. 11,40,000/- has been dishououred for the reason of signature differ and in the said letter, the Ld. Advocate of the petitioner demanded to pay the said amount to the petitioner within 15 days from the date fo receipt of this letter. The opposite party further stated that he has not issued the cheque being no. 000010 dated 10.04.2024 amounting of Rs. 11,40,000/- in favour of complainant in discharge of his liability. The complainant fraudulently converted the said cheque as amounting to Rs. 11,40,000/- dated 10.04.2024 and also try to harass the opposite party.

Ld. Advocate for the complainant files a written objection against the instant application filed by the accused person and submitted that the accused person has already admitted through his Lawyer's notice that the cheque no. 000010 was issued by him and denied all allegations made by him.

Ld. Advocate for the complainant has referred a citation, CRR 4455 of 2023 dated 01.12.2023 and Hon'ble High Court of Calcutta observed in this case that, "until and unless the prosecution evidence is closed, it would be difficult for a court of law to pick and choose the document and send it for a hand writing expert for opinion, which would make the system complex in course of progress of the trial. The petitioner would have to take a specific defence both at the stage of cross-examination and at the stage of section 313 of Cr.P.C. Until and unless that stage is reached, it would be difficult for a court of law to send a changed document to any authority for opinion as that would unnecessarily delay the progress of the trial as

has been expressed in the order dated 16.09.2023. In view of the above, I am of the opinion that the application which has been filed by the petitioner should not be treated to be rejected and be considered at the appropriate stage of the trial as being kept in abeyance by the Ld. Trial Court to be considered at that appropriate stage.

Heard and considered.

Considering the submission made by both the parties as well as in view of the order of Hon'ble High Court, Calcutta and the case record, this Court finds that the instant petition filed by the opposite party be kept in abeyance and be heard after completion of the evidence of the complainant's side.

Fix 09.03.2026 for hearing of the instant petition under section 143A N.I. Act D/C by me.

J.M. 3<sup>rd</sup> Court, Howrah  
WB01187)

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