

GAHC010087612022



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : Crl.Rev.P./215/2022**

ADITYA NARAYAN BYATSHOSH  
S/O. D.N. SHARMA, R/O. GARIGAON, P.O. BONGAON BABULIPAR, DIST.  
GOLAGHAT, ASSAM, PIN-785611.

VERSUS

THE STATE OF ASSAM AND ANR.  
REP. BY PP, ASSAM.

2:MANARANJAN MANDAL  
S/O. RANGLAL MANDAL  
R/O. SURAJNAGAR  
HOUSE NO.3  
DOLJANPATH KHANAPARA  
GUWAHATI  
DIST. KAMRUP (M)  
ASSAM  
PIN-781022

**Advocate for the Petitioner** : MR. S K ROY, MS M BORAH, MD K RAHMAN

**Advocate for the Respondent** : PP, ASSAM, MR. S AFRIDI (R-2), MR. D GOSWAMI (R-2), MR. K BARMAN (R-2), MR. S AHMED (R-2), MR. K THAKUR (R-2), MR. P P MEDHI (R-2), MR. S AHMED (R-2)

**BEFORE**  
**HONOURABLE MR. JUSTICE PRANJAL DAS**

**ORDER**

**28.01.2026**

1. Heard Md. K. Rahman, learned counsel for the revision petitioner who addresses his arguments and concludes the same. None appears today on behalf of the respondent/complainant.
2. The respondent side may address his arguments on the next date, if so desired.
3. The learned counsel for the petitioner has taken the Court to one Exhibit-A available in the TCR which indicates a money receipt of Rs. 2,50,000/-, further submitting in this context that the said amount was paid by the accused petitioner to the complainant.
4. Attention is drawn to another exhibit being Exhibit-B which is purportedly a bank transaction of amount Rs. 1,50,000/- dated 16-1-2016 in favour of the complainant. The learned counsel submits that this amount was also paid by the petitioner to the complainant. It is further submitted that, in total the petitioner had paid Rs. 5,00,000/- to the complainant.
5. The learned counsel has taken the court through the cross-examination of the complainant as PW1 in which he has stated about receiving Rs. 1,00,000/- through cheque No. 713957.
6. It is submitted that the disputed cheque is the cheque No. 713956 of amount Rs. 3,15,000/-. It is submitted that it was given as a security cheque by the petitioner which was misused by the complainant by filling the amount and filing this instant case.
7. It is further submitted that the complainant had filed the proceeding under Section 38 of NI Act by suppressing the material facts. The learned

counsel for the petitioner has drawn attention to para 20 of the impugned judgment in the complaint case being CR Case No. 2436<sup>C</sup>/2017 and submitted that the finding of the Learned trial court that the accused had failed to submit any document to show that he had paid Rs. 5 lakhs to the complainant and the failure of the accused to produce an exhibit money receipt to show that he had paid such amount to the complainant, is perverse, in the context of the Exhibit A and Exhibit B referred to earlier and the testimony of PW1/complainant in his cross-examination.

8. It is also submitted that the finding of the Learned trial court in the said Para 20 that there is no documentary evidence regarding such payment of Rs. 5 lakhs is also perverse in the context of the materials available on record.

9. In support of his contention, the learned counsel for the petitioner relies upon the following decisions:

(1) *Sri K. V. Vijay Kumar vs Sri V. Madaiah, reported in Crl. RP No. 36/2022.*

(2) *Kalpna Baishya vs Karuna Deka, reported in 2018(1) GLT 286.*

(3) *Basalingappa vs Mudibasappa, reported in (2019) 5 SCC 418.*

(4) *Rekha Sharad Ushir vs Saptashrungi Mahila Nagari Sahkari Patsansta Ltd., reported in 2025 0 Supreme (SC) 541.*

10. Referring to Para 21 of ***Rekha Sharad Usir (supra)*** it is submitted that filing a complaint of this nature by suppressing the material facts has been held to be an abuse of the process of the court.

11. Referring to the relevant paragraphs of ***Kalpna Baishya (supra)*** it is

submitted that the facts of the said judgment are similar to the instant case in which the concurrent findings of fact recorded by the Learned courts were overturned by the Revisional court.

12. Referring to the decision of ***K. V. Vijay Kumar (supra)*** rendered by the Karnataka High Court, the learned counsel submits that in the said decision the court had discussed as to how non-consideration of important materials amounted to overlooking the probable defence of the accused petitioner.

13. Summing up his submissions, the learned counsel for the petitioner submits that the impugned judgment is liable to be interfered with by setting aside the same and prays for allowing this revision.

14. Keeping the matter as part-heard, list it on **21.02.2026**.

**JUDGE**

**Comparing Assistant**