

15.06.2026

Serial no. 329

[Srimanta]

Ct. No. - 29

CRR 1772 of 2026

In re : An Application under Sections 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

In the matter of : ELLORA SADHUKHAN AND ANOTHER

... .. Petitioners

Mr. Surajit Basu,
Ms. Jasika Alam, Advocates

... .. *For the Petitioners.*

1. Petitioner herein is aggrieved with the order dated 23.05.2025 passed by learned Additional Chief Judicial Magistrate, Bidhannagar in C. Case No. 31/2026. By the impugned order, learned Court below rejected the petitioners' prayer for examination of the signature of the assignor, namely, Anubharati Sanyal put in the possession letter by a handwriting expert, on the ground that prayer is premature as it can only be considered at the time of charge hearing. The petitioners, who are daughter and son-in-law of the deceased alleged executants, have consistently contended that the signature appearing in the said document is a forged one. Their further contention is that the prosecution story is fundamentally based on such document and, therefore, the Court below has erred in observing that the prayer is premature without

appreciating that the power to obtain expert opinion under Section 293 of the Code of Criminal Procedure must be exercised judiciously in the interest of justice.

2. Having heard learned Counsel for the petitioners, the application stands admitted.
3. Petitioners are directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon opposite party no. 2 through speed post intimating next date of hearing and to file affidavit-of-service on the returnable date.
4. Let the matter be listed on 29th June, 2026.
5. The petitioners shall be at liberty to pray for accommodation before the Court below on 26th June, 2026.

(Dr. Ajoy Kumar Mukherjee, J.)