

17.09.2025.
36.
Ct.No.7.
as

C.R.R. 3355 of 2025

In the matter of : ***Sri Dhananjay Mandal.***
.... Petitioner.

Mr. Soumik Ganguli,
Ms. Priti Burman.

...for the Petitioner.

1. This revisional application has been preferred challenging the legality and propriety of the judgment and order dated 19th June, 2025, passed by the learned Additional Sessions Judge, 1st Court at Bankura in Criminal Appeal No. 14 of 2023. The order affirmed the judgment and sentence passed by the learned trial court, holding the appellant guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and sentencing him to pay a fine of Rs. 2,50,000/- within a period of 30 days from the date of the order, and in default, to suffer simple imprisonment for six months.

2. Mr. Ganguli, learned Advocate representing the petitioner, submits that the petitioner had no liability to discharge for which any cheque was required to be issued in favour of the opposite party No. 2. He further submits that the opposite party No. 2 somehow procured the cheque from the petitioner and forged his signature, thereafter presented the same for encashment. He contends that the complainant's case is riddled with many defects and that the complainant has failed to prove the existence of any liability. He submits that unless the order of sentence is suspended, the petitioner

will be highly prejudiced since the appellate court directed the petitioner to surrender before the learned trial court initially on 30.06.2025. He submits that taking note of the fact that the present revisional application is pending for final adjudication, no coercive step has been taken against the petitioner.

3. Having heard the learned Advocate appearing for the petitioner and upon perusal of the materials on record, I am of the view that the issue raised by the petitioner in the present revisional application requires consideration on merits, and that the petitioner has made out a good arguable case.

4. In view thereof, the part of the order challenged in this revisional application whereby the petitioner is directed to surrender before the court below is stayed, and the order of sentence shall remain suspended until the end of November 2025 or until further orders, whichever is earlier.

5. List the matter for further consideration on 12th November, 2025.

6. The petitioner prays for leave to bring certain documents on record by way of filing a supplementary affidavit.

7. Leave is granted.

8. Let such supplementary affidavit be filed on the returnable date.

9. The petitioner is directed to serve a copy of this revisional application, along with all annexures thereto, including the supplementary affidavit upon the opposite parties, together with a notice intimating that the matter shall be taken up for further

consideration on 12th November 2025, and to file an affidavit of service on the returnable date.

(Partha Sarathi Chatterjee, J.)