

21.04. 2022
item No.32
n.b.
ct. no. 34

CRR 1867 of 2017
Nurul Haque & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Tapas Kumar Ghosh,
Mr. Tanmoy Chowdhury
..... for the Petitioners
Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra
.....for the State

The supplementary affidavit earlier filed by Mr. Ghosh, learned advocate appearing for the petitioners includes the copy of the deposition of P.W.1. The purpose for which the revisional application was preferred by the petitioners were for the purpose of sending certain documents to the hand writing expert for comparison and its assessment. The documents which have been referred to are marked as Exhibit – 4 series, Exhibit Z, W- as identified. So far as, the Exhibit –4 series is concerned i.e. as referred to in the evidence relate to the xerox copies of the letters. If the documents which were xerox copies are marked as Exhibit, the petitioner would be in a better position to argue regarding the probative value of such xerox copies at the time of final argument of the case. So far as the Exhibits no.Z, W for identification is concerned, the same are documents which were produced either at the instance of the defence, if it is exhibit or is yet to be marked as exhibit if it is for identification, as such the authenticity of the said document is yet to be ascertained as an admissible evidence before a Court of Law.

Having regard to the above, I am of the considered view that this is not a fit case where such documents are to be sent to hand writing experts, as such the petitioner themselves have ample scope for canvassing such points at the final stage of argument of the case.

No interference is called for in this revisional application.

With the aforesaid observations, CRR 1867 of 2017 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)