

08.09.2023

Item No.21

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3328 of 2023

with

CRAN 1 of 2023

In the matter of : **Mudashir Alam @ Sona & Anr.** ... Petitioners.

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha ... For the Petitioners.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata ... For the State.

Ms. Shanta Sarkar ... For the Opposite Party No.2.

Petitioners have come up before this Court for pointing out certain change of circumstances.

Learned advocate for the opposite party no.2 is present.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Madhusudan Sur, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

Learned advocate for the petitioners draws the attention of the Court to a photostat copy of the marriage certificate. Learned advocate has pointed out that evidence of the victim is over and a number of witnesses have already been examined by the learned trial court. On a query from this Court whether the said marriage certificate was brought to the notice of the learned sessions court in seisin of the matter, no proper answer could be elicited as the learned advocate could not satisfy this Court. It was also confronted whether there was any cross-examination that there has been

subsequent change of circumstances. To that also learned advocate submits that as the things have changed subsequent to the examination, such facts could not be brought even at the stage of cross-examination of any of the prosecution witnesses.

Be that as it may, the petitioners are granted liberty to take out an application in the nature of Section 311 of the Code of Criminal Procedure by enclosing the marriage certificate and if required, to pray before the learned trial court for further cross-examination of the *de facto* complainant. If such an application is taken out, the learned trial court will consider the facts in the changed circumstances. If required, an enquiry may be conducted by the learned trial court taking aid and assistance of any agency which the learned trial court deems fit and proper.

With the aforesaid observations, the revisional application being CRR 3328 of 2023 along with the connected application is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)