

March 13, 2024
Sl. No.40
Court No.19
s.biswas

CO 4419 of 2023

Srimati Geeta Nair and others

vs.

Sri Aloke Sarkar and others

Mr. Kaustav Chandra Das

... for the petitioners

Mr. Saurav Chaudhuri

... for the opposite parties

The petitioners are the defendants. They pray for correction of the cross-examination of the DW2. It is contended that the photographs produced by DW2 should be marked as exhibits upon correcting the record of the learned court, who had marked the same as X for identification.

I do not find any reason to entertain the revisional application. It does not appear that any objection was raised at the relevant point of time by Joydeep Roychowdhury (DW2), when the photographs produced by him were marked X for identification. Even the defendants did not raise any objections.

At this stage, the defendants have come up with the prayer that the portion of the evidence where the photographs have been marked as X for identification be set aside and photographs be marked as exhibits by this court.

In my opinion, this is not the procedure. Secondly, the photographs have to be proved in

accordance with the provisions of the Indian Evidence Act.

Under such circumstances, the revisional application is dismissed. The probative value of the photographs and how the learned court shall consider those at the time of hearing of the suit, is left to the discretion and wisdom of the learned court.

All the parties are directed to act on the basis of the server copy of the order.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)