

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 623 OF 2024

Tarannum Kamruddin Khan

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Ms. Apeksha Vora, for Applicant.
 - Ms. M.R. Tidke, APP for the State.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 09, 2024

P.C.:

1. Heard Ms. Vora, learned Counsel for the Applicant and Ms. Tidke, learned APP for the Respondent-State.

2. The Revision Application takes exception to the order dated 3rd September, 2024, whereby Application for correction of the name of the accused stands allowed. The Application is filed by the prosecution before the Trial Court. I have perused the Grounds on which the said challenge is maintained to allow such Application as stated in paragraph No.c of the Application. The grievance of the complainant with the Revision Application before us is that, the changed name of the accused does not find place in the FIR but is found in the supplementary statement which is recorded at a later point of time. However, the principal grievance is with respect to identification of the accused. No identification parade has been

conducted to confirm and identify the accused with the changed name.

3. Charge against accused is for abetment in the commission of the crime. Incidentally, the learned Trial Court in the impugned order has held that the aspect of identity of the accused with respect to her name whether it is **Tamanna or Tamanna @Tarannum** is a question of fact which has to be considered on the basis of the evidence which will be required to be led by the prosecution. In a given case the learned Trial Court will be right but *prima facie* it needs to be satisfied on the basis of *some* evidence that should be placed before the Trial Court. Merely making a statement in the Application on the basis of the supplementary statement which was recorded much subsequently cannot be a reason to allow the Application. This is my *prima facie* view after hearing the Applicant.

4. However, learned Prosecutor in this matter will have to be heard. Ms. Tidke, learned APP informs the Court that this matter is assigned to Ms. Phad. Ms. Vora, learned Advocate for the Applicant is directed to serve a copy of the Application to Ms. Phad.

5. Learned APP is directed to take instructions from the I.O. and file an appropriate Affidavit-in-reply to the grounds made out in the Application within a period of four weeks from today .

6. In view of the pendency of the present Revision Application, the learned Trial Court is directed not to proceed and record any

evidence and await the decision in the present Application.

7. Needless to state that this Revision Application shall be determined at the next hearing, subject to Affidavit-in-Reply filed by the prosecution on the above issue.

8. Stand over to **13th January, 2025.**

P.R. Rajput

[MILIND N. JADHAV, J.]