



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

Present:
The Hon'ble Justice Debangsu Basak

C.R.R. 2040 of 2025

**Nasim Begum
Vs.
State of West Bengal & Anr.**

For the petitioner : Mr. Pinaki Ranjan Chakraborti

For the O.P. No. 2. : Md. Salahuddin
Md. Raziuddin

For the State : Mr. Sukanya Bhattacharya
Mr. Ashok Das

Heard and Judgment on : September 25, 2025

Debangsu Basak, J.:-

1. Order impugned in this criminal revisional application is dated March 29, 2025.
2. Learned advocate appearing for the petitioner submits that the petitioner is the defacto complainant. Petitioner was assaulted in the school premises and that the modesty of the petitioner was outraged.



3. Learned advocate appearing for the petitioner submits that various documents lying with the school are required to be tendered in evidence. Such documents were tendered and marked for identification since the original could not be produced. Original of such documents are lying with the school.
4. Learned advocate appearing for the petitioner submits that prosecution filed an application under Section 91 of the Cr.P.C. which was rejected by the impugned order. Hence, the impugned order should be set aside.
5. State and the private opposite party are represented.
6. Learned advocate appearing for the State submits that, charges were essentially under Sections 323 and 354 of the Indian Penal Code, 1860. With regard to proving such charges at the trial, the documents which were marked for identification are not required to be marked as exhibits since they do not involve the outraging of modesty as also of simple hurt suffered by the defacto complainant.
7. Learned advocate appearing for the private opposite party highlights the fact that after several witnesses of the prosecution being examined, a belated application under Section 91 of the Cr.P.C. was filed. In addition thereto, he submits that there was no necessity of the original documents to be produced by recalling the prosecution witnesses.



8. Trial is in progress. Essentially, the charges at the trial relate to simple hurt and outraging of modesty. Certain documents were sought to be introduced in the evidence by prosecution. Some of such documents were marked for identification. Original of such documents were not produced.
9. There is substance in the contention on behalf of the State that the medical examination report as well as other materials to establish the two charges were produced and marked as exhibits.
10. The application under Section 91 of the Cr.P.C. was filed belatedly much after a number of prosecution witnesses were examined.
11. Learned Judge in the order impugned took notes of such aspect of the matter and proceeded not to grant the application filed under Section 91 of the Cr.P.C.
12. In such circumstances, I find no material irregularity in the order impugned.
13. C.R.R. 2040 of 2025 stands disposed of accordingly.

(Debangsu Basak, J.)

S.D.