

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.9063 of 2015**

Arising Out of PS.Case No. -28 Year- 2012 Thana -ECONOMIC OFFENCES, BIHAR District-  
PATNA

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1. Ramesh Prasad Diwakar, son of Sri Gaya Prasad Diwakar, resident of village -  
Maner, P.S. Maner, District - Patna

.... .... Petitioner/s

Versus

1. The State of Bihar through the Economic offence Unit, Bihar, Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate with  
Mr. Rajeev Ranjan Prasad, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 16-07-2015**

1. The Petitioner seeks quashing of the order dated 20.09.2014 passed by the Special Judge, Vigilance (Trap), Patna, in Special Case No.38 of 2012 arising out of Economic Offence P.S. Case No.28 of 2012 refusing prayer of the Petitioner for supply of certain document(s).

2. It has been submitted that the document(s) which are essential for his defence are not being provided by the prosecution which has failed to furnish all documents mentioned in the prosecution report.

3. There are various decisions to the effect that an accused does not have a right to demand any document from the

prosecution. Also that the prosecution is not permitted to rely on any document which it has not supplied to the Accused.

4. Thus, the application is disposed off with direction to the Court below to ensure that the prosecution does not rely on any document which has not been furnished to the accused persons in terms of the judgment rendered by this Court in the case of **Ramesh Kumar Vs The State of Bihar (2011 (2) PLJR 360)**.

JA/-

**(Anjana Prakash, J)**

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