

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25737 of 2013

Arising Out of PS.Case No. -101 Year- 2004 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Ajit Kumar Gupta @ Ajit Prasad Gupta S/O Late Dhruv Sah Resident Of Village- Sigari Bahuari, P.O.- Sigari Bigari, P.S.- Ramnagar, District- West Champaran.
2. Arun Kumar Gupta @ Arun Pd. Gupta S/O Late Dhruv Sah Resident Of Village- Sigari Bahuari, P.O.- Sigari Bigari, P.S.- Ramnagar, District- West Champaran.
3. Umesh Paswan S/O Late Mohan Paswan Resident Of Village- Sigari Bahuari, P.O.- Sigari Bigari, P.S.- Ramnagar, District- West Champaran.
- Petitioner/s

Versus

1. The State Of Bihar.
- Opposite Party/s

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Appearance :

- For the Petitioner/s : Mr. Ajay Kr. Thakur, -Advocate
Mr. Shashank Shekhar, Advocate
- For the State : Mr. Arun Kr. Singh 5 (APP)
- For Opposite Party : Mr. Surendra Kishore Thakur, Advocate
Mr. Murlidhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioner as well as learned APP for the State including learned counsel for the informant.

Though, neither paragraph-1 of the petition nor the prayer is found completely covering the issue whatever argued at the end of learned counsel for the petitioners, the main grievance as perceived is that petitioners happen to be accused against whom first charge-sheet was submitted keeping the further investigation opened. So, they could be able to get police papers in terms of Section 207 Cr.P.C. to that extent. Furthermore, second charge-

sheet has also been filed keeping further investigation opened.

The grievance, in the aforesaid background, happens to be that in case, the witnesses having been named in the second charge-sheet is going to be examined, then in that event, as the police paper has not been supplied with, relating to further investigation followed with submission of the second charge-sheet, then in that event, petitioners would not be in a position to confront as well as cross-examine the witnesses effectively.

While at the end of learned APP as well as learned counsel for the informant, the said submission has been repelled and submitted that with malafide intention such prayer has been made to prolong the trial in the background of the fact that the charge is yet to be framed.

Furnishing of police papers is required on the pretext that accused should know by which evidence the prosecutor is going to prosecute and further, to get the accused duly prepared to cross-examine the witnesses coupled with the fact that witnesses should not come with surprise causing prejudice to their interest. When the accused of first charge-sheet as well as second charge-sheet are facing trial in required manner having been clubbed, then in that event, the witnesses under second charge-sheet are also to be examined in the same trial and regarding which, the police

paper could not have been furnished upon the accused persons. Certainly, petitioners are entitled to get this, which, the learned lower court will provide immediately after receiving of the instant order.

With the aforesaid observation, the instant petition is disposed of.

Furthermore, the learned lower court is directed to expedite the trial without granting undue advantage to either of the parties.

(Aditya Kumar Trivedi, J)

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