

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No. 907 of 2016**

Sohan Kumar S/o Devendra Nath Vishwakarma, Aged about 31 years, R/o volage Madangachi, Post & Police Station Mokama, Civil and Revenue District Patna (Bihar), Presently R/o C/o Vijay Mahant, Near Subhash Mixture Factory, Railway Banglapara, Raigarh, District Raigarh (CG).

..... **Petitioner**

Versus

Central Bureau of Investigation, ACB, Bhilai (CG) Through its Superintendent of Police, CBI, ACB, Bhilai, Civil and Revenue District Durg (CG).

.... **Respondent**

For Petitioner	:	Shri Adil Minhaj, Advocate.
For Respondent	:	Shri Pawan Kesharwani, Advocate, under instructions of Shri Kishore Bhaduri, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/10/2016

1. The present petition has been preferred under Section 482 CrPC against the order dated 02.07.2016 passed by the Special Judge, CBI, Raipur in CBI Case No.1018 of 2015 whereby the application filed by the petitioner for providing translated copy of the charge sheet in Hindi has been rejected.
2. Learned counsel for the petitioner submits that the petitioner who is ignorant of the English language finds it difficult to understand the documents which have been annexed with the charge sheet as he is unable to understand English language fluently. He further submits that denial of supply of materials and accusations in the language in which he is conversant would cause serious prejudice to the petitioner.

3. Clause-22.7 of the Central Bureau of Investigation (Crime) manual, 2005 envisages as under :

“22.7. Timely supply of copies of statements and documents along with the charge sheet should be made to the court. Often, the defence lawyer asks for copies of statements in Hindi or the regional language, along with the copies of relied upon documents. These, should be made available to the court on the day the charge sheet is filed.”

4. A bare perusal of above mentioned CBI manual and the reply filed in this court it clearly reflects that the department of CBI does not have any objection in providing the translated Hindi version of the document in a given case.
5. Notice was issued in the instant case and the respondent-CBI further came up with a stand that the CBI does not have any reluctance in providing the translated copy of the charge sheet sought for by the petitioner, but opposes the petition on the ground that the translated version of charge sheet has been asked by the petitioner only with an intention to delay the trial and further the documents attached with the charge sheet are voluminous and it will take a considerable time in getting the document translated.
6. Without entering into the merits of the case what clearly reflect is that, the only hesitation on the part of the respondent-CBI in not providing the translated copy of the charge sheet is, the document being voluminous, which in the opinion of this court, cannot be a sole ground for refusing the translated version of the charge sheet when the accused person makes a statement that he does not understand the

language and shows his inability to understand the contents of documents enclosed with the charge sheet.

7. Furthermore, once the department itself has the manual which has a provision that in the event of demand, the department shall provide a translated Hindi version of charge sheet and other documents, this court does not find any good reason for the department in not providing the translated Hindi version of the required documents to the petitioner-accused.
8. So far as the only ground of documents being voluminous is concerned, the respondent-CBI has not specified total number of pages attached with the charge sheet nor has it disclosed the minimum time that would take for translation of the said document.
9. In the given facts and circumstances of the case and in the light of CBI manual, 2005 (Annexure A/3) governing the field, this court is of the opinion that it is a fit case to allow the petition.
10. Accordingly, the petition is allowed. It is directed that the respondent-CBI shall provide translated version of the charge sheet along with annexures in Hindi to the petitioner as early as possible.

Sd/-
(P. Sam Koshy)
JUDGE