

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 875 of 2017**

Paritosh Haldhar S/o Shri Diwakar Haldhar Aged About 43 Years
 Post-Sub Engineer, Office Of Chhattisgarh Power Distribution
 Company Limited Nawagarh, District Bemetara Chhattisgarh.
 Permanent Residence Of House No. 417 Ward No. 27 Subhash
 Nagar Nandini Road Bhilai, District Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The District Magistrate, Bemetara, District Bemetara Chhattisgarh.
2. State Economic Bureau Of Investigation (A C B) Raipur, District Raipur Chhattisgarh.

---- Respondents

For the Petitioner	:	Shri Sunil Sahu, Advocate.
For Respondent No.1/State	:	Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.09.2017**

1. Heard.
2. This petition has been brought under Section 482 of the Code of Criminal Procedure with a prayer to pass orders to supply the copies of the documents mentioned in the list of documents of the charge-sheet.
3. It is submitted by counsel for the petitioner that the charge-sheet has been filed against the petitioner for the offences under Section 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act. The list of documents shows filing of sanction for prosecution dated 30.1.2017, numbered First Information Report dated 1.4.2016,

unnumbered FIR dated 31.4.2016 and seizure of CD dated 31.4.2016. The petitioner moved an application before the trial Court for supply of these documents praying that the copies of these documents have not been supplied to him, which has been rejected by the trial Court by the order dated 3.7.2017. Hence, this petition.

4. It is also submitted by the petitioner that the trial Court has committed error in law and has failed to appreciate the provisions under Sections 173 and 9 of the Code of Criminal Procedure. The petitioner, who is facing trial, is entitled for supply of all the documents which are mentioned in the list of the documents in the charge-sheet and as held by the trial Court that there is a typographical error in mentioning the dates of the documents is not supported by any statement on affidavit by Investigating Officer. Hence, it is prayed that a direction may be issued for supply of copies of the documents mentioned in the list of the documents of the charge-sheet.

5. Learned State counsel objects to the petition and the submissions made by the petitioner. It is submitted that while mentioning the dates of the documents in the list of the charge-sheet a typographical mistake has been committed by the Investigating Officer. Hence, this is not an exceptional case in which the inherent powers of this Court should be exercised.

6. As per the contents of the charge-sheet, the complaint was made on 28.3.2016 regarding demand of bribe by the petitioner and all the proceedings have been taken up thereafter. Hence, there is no

question of there being any antedated document. The copy of the affidavit submitted by the Investigating Officer is attached with the reply submitted by the State in which it has been stated on oath that the unnumbered FIR dated 28.3.2016 which has been erroneously mentioned as dated 28.1.2016 in the charge-sheet and similarly other documents were also prepared on 28.3.2016 but the date is erroneously mentioned as 28.1.2016 on the charge-sheet.

7. As per the statement made by the Investigation Officer on affidavit that the date of the documents have been erroneously mentioned in the charge-sheet, this statement can be made use by the petitioner in his defence. As submitted by counsel for the State that all the documents mentioned in the charge-sheet have been supplied to the petitioner/accused and just because of some typographical error that too only in the list of documents of the charge-sheet, the prayer of the petitioner cannot be allowed and no reason is found for use of extraordinary jurisdiction of this Court. Hence, this petition is devoid of merits.

8. It is submitted by counsel for the petitioner that during the pendency of this petition, the trial Court has proceeded with the trial and the opportunity for cross-examining the witnesses has been closed for which separately an application has been filed for amendment of petition to incorporate the relief for quashing the order of the trial Court by which the opportunity of cross-examining the witnesses was closed. There is no need to entertain this application and a direction can be issued in the same order to this effect. Hence, the petition is dismissed as being devoid of merits. The trial Court is directed to afford an

opportunity to the petitioner to cross-examine the witnesses with respect to whom the opportunity for cross-examination by the petitioner/accused has been closed.

9. Accordingly, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi