

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.736 of 2015

Arising Out of PS. Case No.-59 Year-2014 Thana- KAJRA District- Lakhisarai

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1. Mukesh Yadav, S/o Prayag Yadav.
 2. Subhash Yadav, S/o Late Manki Yadav Both are resident of Basuhar, P.S. Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra
For the Respondent/s : Mr. UPENDRA KUMAR(APP)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

- 3 05-03-2018 The petitioners have challenged the order dated 07.07.2015 passed by the learned Sub-Divisional Judicial Magistrate, Lakhisarai in connection with Kajra P.S. Case No. 59 of 2014 instituted for the offences under Sections 341, 302, 307, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act whereby the prayer made on behalf of the petitioner for supply of certain documents about which reference had been made in the case diary, was rejected on the ground that such petition was only filed to linger and delay the commitment of the accused persons; as well as the order dated 30.07.2015 passed by the Learned Additional Sessions Judge, Lakhisarai in Cr. Rev. No. 35 of 2015 whereby the challenge to



the aforesaid order dated 07.07.2015 has been rejected.

From the records, it appears that other accused persons have already been given police papers and since two of the accused persons were in custody for long time, they have been committed to the court of Sessions for trial.

It further appears from the records that there was a demand of some of the documents about which reference has been made in the case diary. Those are the documents which relate to some land transactions but do not specifically relate to the offences under which the petitioners have been sent up for facing trial.

Section 207 of the Cr.P.C. reads as follows:

207. Supply to the accused of copy of police report and other documents.- In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:-

(i) the police report;

(ii) the first information report recorded under Section 154;

(iii) the statements recorded under sub-section (3) of Section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under sub-section (6)



of section 173;

(iv) the confessions and statements, if any, recorded under section 164;

(v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (5) of section 173;

Provided that the Magistrate may, after perusing any such part of a statement as is referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused;

Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.

A bare perusal of the second proviso would clarify that in case a Magistrate is satisfied that any document referred to in Clause-5 of Section 207 is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that the accused or his lawyer will only be allowed to inspect it either personally or through his pleader in court.

There is no reference of any such document by the petitioners or its relevance. The purpose only appears to delay



the committment proceedings.

This Court does not wish to interfere with the order passed by either the court of the first instance or the revisional court.

The petition is dismissed.

(Ashutosh Kumar, J)

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