

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19521 of 2018**

=====

Shail Kumari w/o Ashok Kumar Tiwari r/o Radhaur P.S. Sursand District  
Sitamarhi presently r/o Buddha Residency B Block, Flat No. 601, P.S.  
Budha Colony, District Patna.

.... .... Petitioner/s

Versus

The State of Bihar through the D. G. Vigilance Investigation Bureau.

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

=====

**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi, Advocate.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR  
SINGH**

**ORAL ORDER**

2      26-09-2018                      Heard learned counsel for the petitioner and learned  
counsel for the State.

This application under Section 482 of the Code of  
Criminal Procedure (for short Cr.P.C') has been filed by the  
petitioner for restoration Cr. Misc. No. 38504 of 2017, which was  
dismissed for want of prosecution vide order dated 28.03.2018.

It is submitted by the learned counsel for the petitioner  
that though he was watching the display board and till about 3:50  
p.m. the case was not taken up and in the meantime his another  
case was called out in another Court room and while he was  
arguing that case the instant case was also called out in which he  
could not appear.

In view of the submissions made above, the prayer is



allowed. Cr. Misc. No. 38504 of 2017 is restored to its original file.

**Cr. Misc. No. 38504 of 2017**

This application under Section 482 of the Cr.P.C has been filed by the petitioner for quashing part of the order dated 18.05.2017 passed by the learned Special Judge, Vigilance 1<sup>st</sup>, Patna in Special Case No. 32 of 2016 arising out of Kotwali P.S. Case No. 270 of 2016 whereby the petition filed by the petitioner under Section 207 of the Cr.P.C for supply of certain documents and compact disc has been rejected.

Learned counsel for the petitioner submitted that vide order dated 05.09.2016 the learned Special Judge took cognizance against the petitioner for the offences punishable under Sections 409, 420, 465, 467, 468, 1471, 188, 201, 212 & 120-B of the Indian Penal Code and Section 8, 9 & 12(2) of the Prevention of Corruption Act, 1988. Thereafter, on 29.10.2016, the petitioner filed an application under Section 207 of the Cr.P.C for supply of some documents inter alia attendance sheet of Shaline Roy, evaluation sheet and compact disc of the video recording of the examination hall and subsequently she filed another petition of the same nature on 04.02.2017. Till date those documents have not been supplied but charges have already been framed and trial is



going on. He contended that non-supply of those documents would cause serious prejudice to the defence of the petitioner

Per contra, learned Additional Public Prosecutor appearing for the State submitted that there is no illegality in the order impugned and from perusal of the order itself it would be evident that all the accused persons including the petitioner have already been supplied copies of police papers on which the prosecution places its reliance to prove the charges. He contended that the accused persons are trying to delay the disposal of the case by way of filing frivolous and misconceived applications.

I have heard learned counsel for the parties and carefully perused the record.

From perusal of the record, it would be evident that repeated applications have been filed by the petitioner asking for supply of police papers. While passing the impugned order, the court below has also taken note of the fact that prior to framing of charges relevant documents have already been supplied to the petitioner.

The petitioner has brought on record the copy of the charge-sheet no. 348/16 dated 04.09.2016. On perusal of the charge-sheet, I find that the prosecution has given a list of 51 witnesses, who would be examined in support of the charge. There



is no mention in the charge sheet either about compact disc or any other document, which the petitioner intends to be supplied to her.

Be it noted that Section 207 of the Cr.P.C provides for supply to the accused of copy of police report and other documents. It states that 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 subsection (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.



The object behind supply to the accused of copy of police report and other documents is to enable him to defend himself properly in course of trial. The very purpose of such supply is to put him on notice of what he has to meet at the enquiry or trial. The accused is not entitled to see any document or receive the same which may be part of case diary but on which the prosecution does not place reliance in view of the provisions prescribed under Section 172(3) of the Cr.P.C.

Since the documents being demanded by the petitioner or the compact disc are not the material to be proved by the prosecution in order to prove its charge, the petitioner cannot insist for the supply of those documents or material. It is only the relevant documents on which the prosecution relies in order to prove its charge are to be supplied to an accused, who is facing trial.

In that view of the matter, I see no merit in this application. It is accordingly dismissed.

**(Ashwani Kumar Singh, J)**

Pradeep/Sneha

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

