

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61387 of 2018

Arising Out of PS.Case No. -286 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI
=====

1. Ram Binay Singh,
2. Mantun Singh, Both sons of Late Lakhan Singh, Resident of Village-
Mirjapur Bondwar, P.S. Begusarai Town, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Opposite Party/s : Mr. Sri Satya Nand Shukla
=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 22-11-2018 In the nature of the order being passed by this Court, at this stage, no notice is required to be issued to the informant. The petitioners are being aggrieved by the order dated 28.08.2018 passed by the learned Additional Sessions Judge-II, Begusarai by which he has rejected the prayer of the petitioners to make them available the copy of the F.S.L. report which is available on the record under a sealed cover.

Learned counsel for the petitioners submits that the learned Additional Sessions Judge-II does not dispute the submission of the petitioners that under Section 207 of the Cr.P.C. at the time of supplying the police paper itself, the copy of the FSL report should have been made available to the petitioners but



on a totally irrelevant consideration saying that the report is in a sealed file and at this stage to unseal the sealed file will not serve any purpose, the prayer of the petitioners has been refused. Learned counsel submits that there is no reason why the learned Additional Sessions Judge-II has been of the view that after beginning of the evidence and at so called appropriate stage the report will be unsealed.

Learned A.P.P. for the State is present and submits that the reasoning and logic provided in the order dated 28.08.2018 is not in consonance with the provision of the Cr.P.C. and if the prosecution is relying upon the F.S.L. report, the copy thereof is required to be supplied to the petitioners who are accused in the case.

Having heard learned counsel for the petitioners and learned counsel representing the State and after going through the order dated 28.08.2018, this Court finds that if the learned Additional Sessions Judge-II has taken a view that the report shall be made available after beginning of the evidence, the reason thereof is not convincing. If the report can be given after beginning of the evidence, definitely the petitioners being accused persons will be taken by a surprise in course of evidence and they will not get adequate opportunity to go through such report.



In the opinion of this Court, the order dated 28.08.2018 is not sustainable as it is not in accordance with the scheme of the Cr.P.C. The order dated 28.08.2018 is, therefore, set-aside. If the petitioners file a fresh application with a request to open the seal of the F.S.L. report and provide them a copy thereof, the same shall be considered within a week from the date of filing of the application, necessary order shall be passed by the learned Additional Sessions Judge-II in accordance with the provisions of the Cr.P.C. to make available the copy of the report to the petitioners.

This application is allowed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U		T	
---	--	---	--

