

05.05.2022

Sl. No. 01

Srimanta

Ct.No. 42

CRA/81/2018

In Re : An application under Section **374(2)** of the Code of Criminal Procedure, 1973.

In the matter of : **Hari Kant Roy @ Hari Kanta Roy**
...appellant.

Mr. Pawan Kumar Gupta, Adv.

...for the appellant.

Mrs. Chandreyi Alam (Gupta), Adv.

...for the C.B.I.

It appears from the office report that the lower Court record is defective inasmuch as exhibit-23 could not be found in the exhibit file. For incorporation of a singular exhibit in lower Court record I do not think it necessary to send the lower Court record back to the Trial Court.

The Learned Judge, CBI Court No. 4, Bichar Bhawan, Calcutta is directed to send a competent person to the Criminal Appeal Section of this Court and ascertain the nature of the document which was marked exhibit-23. He then produce the said document from the lower Court record within seven days from the date of his inspection. This order is passed in reference to Criminal Appeal No. 81/2018 arising out of Special Case No. 25/2011 (State (CBI) -Vs.- Hari Kanta Roy, Judgment delivered on 28th December, 2017). A copy of this order be sent to the Learned Trial Judge for information and compliance. Entire exercise shall be completed within three weeks from the date of communication of this order.

(Bibek Chaudhuri, J.)