

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14695 of 2015

Arising Out of PS. Case No.-2 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Umesh Kumar Singh Son of Sri Yogendra Singh resident of village - Lopar,
P.S. Daraunda, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Department

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.None
For the Opposite Party/s :	Mr.Rama Kant Sharma, I.O,I/C Vigi with Mr. Deepak Sahay Jamuar, AC to Incharge Law Officer, Vigilance

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-06-2019 Heard learned counsel for the parties.

2. The learned Special Judge, Vigilance (Trap), Patna by the impugned order dated 01.09.2014, passed in Special case No. 05 of 2013 arising out of Economic Offence P.S. Case No. 02 of 2013 has directed the prosecution to supply a copy of statement of all the witnesses upon which the prosecution relies. It seems that certain documents which were filed by the prosecution in support of their case were voluminous, considering, while learned Special Judge, by the impugned order, has ordered that the defence counsel may inspect the documents. With the said order and direction an application filed by the petitioner, who is an accused, for supply of police



papers has been disposed of, which order is under challenge in the present application filed under Section 482 of the Cr.P.C.

4. It is the petitioner's case that it is mandatory for the prosecution to supply the documents under Section 207 of the Cr.P.C. and the order which has been passed by the Court below is against the spirit of provisions under Section 207 of the Cr.P.C.

5. There is no representation on behalf of the petitioner. There is no clue whether the charge has been framed in the meanwhile, or not. In any view of the matter, I am not inclined to interfere with the impugned order as apparently the court below has directed the prosecution to supply the petitioner such statement of witnesses on which the prosecution intends to reply, which is in accordance with the stipulation under the second proviso to Section 207 of the Code of Criminal Procedure, 1973 reads thus:-

“ 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”.

6. Section 207 of the Code requires the Magistrate to



furnish to the accused copies of certain documents as mentioned therein including “(v) any other documents or relevant extract thereof forwarded to the Magistrate with the police report under sub-section(5) of Section 173”. The Court below has taken into account the fact that the documents referred to in Clause (v) are voluminous and, therefore, instead of furnishing the documents to the petitioner with copies thereof has directed that the petitioner shall only be allowed to inspect it.

7. The impugned order, in my opinion, does not suffer from any illegality, requiring this Court’s interference under Section 482 of the Code.

8. This application is accordingly, dismissed as without merit.

(Chakradhari Sharan Singh, J)

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