

**CRR 1797 of 2021
(Through Video Conference)**

In Re: - An application under Section 401 read with Section 482 of
the Code of Criminal Procedure, 1973.
And

In the matter of: **Bishal Das & Ors.**

.... Petitioners

Mr. Jyoti Prakash Chatterjee
...For the Petitioners
Ms. Sukanya Bhattacharyya,
Mr. Mirza Firoj Ahmed Begg
...For the State

Ms. Sukanya Bhattacharyya, learned advocate, is required to
appear for the State in this case.

Let the appointment of Ms. Sukanya Bhattacharyya be
regularized.

It is the grievance of the petitioners that after the relevant case
was committed to the Court of Session, they had made a prayer before
the learned Additional Sessions Judge, 1st Fast Track Court, for the
supply of certain documents relied upon by the prosecution, but such
prayer had been rejected.

It appears that the petitioners made a prayer before the learned
Sessions Judge, Hooghly for supply of certain documents that have
been relied upon by the prosecution.

The learned Sessions Judge by an order dated March 1, 2021,
rejected the said petition on the ground that certain documents have
been supplied to the learned advocate for the petitioners and there

was an endorsement by the learned advocate for the petitioners as “received”.

While rejecting the application file by the petitioners for supply of documents, the learned Sessions Judge, Hooghly, in his order dated March 1, 2021, did not give any finding as to whether the documents as mentioned in the application have been supplied to the petitioners.

The petitioners, thereafter, renewed the said prayer before the learned Additional Sessions Judge, 1st Fast Track Court, Hooghly, before whom the case was transferred.

By the order impugned dated March 15, 2021, the learned Sessions Judge observed, *inter alia*, as follows :-

“Now from the case record I find that Ld. Sessions Judge vide order no.02 dated 01.03.2021 was pleased to reject the self-same petition. Thus once the same petition has been rejected, this court being the concurrent jurisdiction with that of the Ld. Sessions Judge cannot entertain such petition once again to reopen the issue. Accordingly the above petition is liable to be rejected.

While rejecting the petition, the Ld. Advocate is advised to unofficially manage to get the above documents from the Ld. P.P. of this case who be appointed in this case so as not to linger this case by agitating over the above issue.”

The learned Additional Sessions Judge, 1st Fast Track Court, Hooghly, mechanically, by the order impugned rejected the application for supply of the said documents made by the petitioners on the ground that the same prayer had already been rejected earlier.

In my opinion, the learned Judge ought to have ascertained as to whether the prosecution has supplied to the petitioners all relied upon documents.

The learned Judge by the order impugned should not have advised the petitioners to “unofficially manage to get the above documents” from the learned Public Prosecutor.

To avoid unnecessary delay in the trial, this revisional application is disposed of with a direction upon the learned Additional Sessions Judge, 1st Fast Track Court, Hooghly, to ascertain as to whether the petitioners have been supplied with all the documents relied upon by the prosecution, and if it is found some documents remain to be supplied to the petitioners by the prosecution, the learned Judge will ensure that those documents are supplied to the petitioners within a period of two weeks from the date of this order.

With the aforesaid observation, the revisional application being **CRR 1797 of 2021** is disposed of.

(Kausik Chanda, J.)