

Item No.6
Ct.No.34
dc.

C.R.R. 995 of 2022

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Ayan Bhattacharjee,
Mr. Indrajit Adhikari,
Mr. Sharequl Haque,
Mr. Amitabrata Hait,
Mr. Suman Majumder,
Ms. Ritu Das

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta ... For the State.

The learned trial court in its order dated 14.02.2022 recorded the submissions of the learned Special Public Prosecutor wherein the Public Prosecutor filed an application/petition stating the prosecution will not rely upon other documents, save and except which is available in the pen-drive.

Learned court accepted such contention.

The defence/accused/petitioner is aggrieved by the documents which have been supplied. As the submission of the prosecution before the learned Special Court was that prosecution will not rely upon other documents, it reveals that all the documents in the custody of the prosecution were not made available to the court for perusal regarding its necessity for the defence.

In this regard, the Hon'ble Supreme Court in paragraph 179 of the judgement in ***Manoj & Ors. Vs. State of Madhya Pradesh (Criminal Appeal Nos. 248-250 of 2015)*** has held as follows :

“179. In view of the above discussion, this court holds that the prosecution, in the interests of fairness, should as a matter of rule, in all criminal trials, comply 80 (2021) 10 SCC 598 with the above rule, and furnish the list of statements, documents, material objects and exhibits which are not relied upon by the investigating officer. The presiding officers of courts in criminal trials shall ensure compliance with such rules.”

Having regard to the judgment delivered by the Hon'ble Supreme Court in ***Manoj & Ors.*** (supra), the learned Special Court would adhere to the same and if it is not possible for the prosecution to supply hard copies, either electronically or by way of pen-drive, the same may be handed over to the petitioner and/or other accused persons. Such exercise must be completed within a period of 60 days from 1st July, 2022. The learned court would thereafter fix date for consideration of charge.

With the aforesaid observations, the revisional application being CRR 995 of 2022 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)