

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 2386 of 2022

**Moitry Dana
Vs.
The State of West Bengal**

**For the petitioner : Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Pritam Roy
Mr. Sarthak Mondal**

**For the State : Mr. Ranabir Roy Chowdhury
Mr. Kanchan Roy**

Heard on : 08.07.2022

Judgment On : 08.07.2022.

Bibek Chaudhuri, J.

On perusal of the averment made in the instant criminal revision and after going through the impugned order, this court is of the view that the instant revision can be disposed of here and now with the assistance of learned Public Prosecutor in-Charge.

Mr. Ranabir Roy Chowdhury, learned advocate is requested to assist this court on behalf of the State of West Bengal. Appointment

of Mr. Roy Chowdhury be regularised by the Legal Remembrancer, Government of West Bengal.

In connection with Kalyani Police Station Case No. 241 of 2022 dated 20th May, 2022 under Sections 406/420/120B/34 of the Indian Penal Code and Sections 7/7A/8/11/13 of the Prevention of Corruption Act, the petitioner received a notice under Section 160 of the Code of Criminal Procedure issued by one Ashim Mondal, Inspector of Police, EOW Cell, CID, West Bengal requesting her to be present physically with documents, if any, at her residential address on 11th July, 2022 at 1 p.m. for the purpose of answering certain question relating to the above mentioned P.S. case. After getting such notice the petitioner applied for certified copy of the FIR of Kalyani P.S. Case No. 241 of 2022 in the Court of the learned Additional Sessions Judge, 4th Court, Krishnanagar, Nadia.

The learned Additional Sessions Judge, 4th Court, Krishnanagar refused her prayer and did not supply the certified copy of the FIR in respect of Kalyani P.S. Case No. 241 of 2022 on the ground that the petitioner is a stranger to the case and she is not entitled to get the certified copy of the FIR. It is also alleged on behalf of the petitioner that the learned Judge in the trial court also refused to accept the put up petition intended to be filed by the petitioner for obtaining certified copy of the FIR of the aforementioned case.

Chapter XIV of Criminal Rules and Orders deals with copying department and copies of supporting courts. Rule 253 states as follows :

“ R. 253 As a general rule, copies of exhibits in a criminal proceeding shall not be granted to the persons who are strangers to the same and Judicial Officer shall use his discretion in each case, acting on the general principle that no copies should be given to a stranger except on good reasons.”

Plain reading of Rule 253 discloses that a stranger to a case generally is not entitled to get copies of exhibits in a criminal proceeding but the Judicial Officer has the discretion to decide as to whether a stranger on good reasons should be permitted to have the copy of exhibits in a criminal proceeding. The aforesaid rule is applicable in respect of any other document in a criminal case.

The petitioner is not a stranger to the proceeding. Her attendance was sought for by the investigating officer for interrogation in respect of Kalyani P.S. Case No. 241 of 2022. The petitioner states that she does not have the copy of the FIR. Without perusal of the copy of the FIR, It is not possible even to incident as to whether she is aware of the facts and circumstances the said case was initiated.

Considering such aspect of the matter, this court is of the view that the petitioner is entitled to get the certified copy of the FIR.

The learned trial judge is directed to supply the certified copy of the FIR upon an application to be filed by the petitioner in the court

below and after following all procedure for obtaining certified copy of a document.

With the above direction, the instant revision is disposed of.

The Investigating Officer is permitted to examine the petitioner on the basis of notice under Section 160 of the Code of Criminal Procedure after supplying a copy of the FIR to the petitioner and giving her opportunity to go through the same to ascertain as to whether she has any knowledge about the incident or not.

This order is passed under the facts and circumstances of the present case and cannot be used as a precedent.

(Bibek Chaudhuri, J.)