

21.03.2022

Item No.9
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3667 of 2018

**Harish Chandra Roy
versus
The State of West Bengal & Anr.**

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

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Mr. S. Das,
Ms. Snigdha Saha,
Ms. Trisha Rakshit ... For the Petitioner.

Mr. Swapan Banerjee,
Ms. Debjani Sahu ... For the State.

Mr. Raja Saha,
Ms. Arpita Saha,
Mr. Sanjoy Mukherjee ... For the Opposite Party No.2.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner is aggrieved by the order dated 14.11.2018 passed by learned Additional Sessions Judge (Special Court), 2nd Court, Jalpaiguri in Special Case No. 18 of 2017 wherein the learned court was pleased to reject the prayer of the petitioner for supplying copies of documents relied on by the prosecution. Learned advocate draws the attention of this Court to the application which was preferred before the learned Magistrate which incorporated certain annexures which were relied on in the FIR. Learned advocate also draws the attention of this Court to some of the documents which are reflected in the charge-sheet, but were not supplied to them.

I find that the learned trial court has categorically recorded that all the documents submitted under Section 207 of the Code of Criminal Procedure have been supplied, however, at the same time, the learned trial court has also observed that there are voluminous documents for which inspection is to be given to the learned advocate appearing for the petitioner. The nature of the documents referred to by the petitioner are register, cash book, disbursement list etc. which are voluminous in nature and which under Section 207 of the Code of Criminal Procedure the law permits for inspection and not supply of copies.

In view of the aforesaid, I direct that in case, at any stage of the trial, the prosecution intends to rely on any document, copies of which have not been supplied to the present petitioner or the accused persons who are facing trial prior to cross-examination, at least 48 hours' time should be granted to them for inspection and for conducting the cross-examination properly. This would not preclude the learned trial court to continue with the examination-in-chief of the relevant witness and take the trial to its logical conclusion.

With the aforesaid observations, the revisional application being CRR 3667 of 2018 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.)