

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1546 of 2022

Dillip Kumar Patra

-versus-

State of Odisha

Petitioner

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

30.06.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 9th May, 2022 passed by the learned Additional Special Judge (Vigilance), Bhubaneswar in T.R. No.49 of 2010 wherein charge has been framed against him under Section 13(2) of the P.C. Act and Sections 468, 471, 420 and 120(B) of the I.P.C.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
4. It appears that the Petitioner filed a petition to supply the documents on his own cost, which were not supplied to him under Section 207 of Cr.p.C. on the ground that the same was voluminous in nature and he was directed to inspect the same.
5. The trial court without disposing of such prayer, however, heard the parties on the question of charge. The Petitioner, however, made no grievance of the same, but participated in the charge. Now, he has come to this Court to challenge the same that since the documents as required under Section 207 of Cr.P.C. was not supplied to him

before charge, the same has caused prejudice to him inasmuch as he was unable to put-forth his case for discharge properly in the absence of the same. Hence, on the said ground he seeks quashment of the same.

6. Advancing the said submissions, learned counsel for the Petitioner submits to quash the order of framing of charge and remit back the matter with a direction to supply the documents and then proceed with the hearing on question of framing of charge.

7. However, learned counsel for the State has defended the order of the trial court on the ground that the aforesaid having caused no prejudice to the Petitioner, he has no case. According to him, since the Petitioner in spite of opportunity given did not avail of the opportunity of inspecting documents, which are voluminous in nature and participated in charge, he cannot be heard of assailing the charge on the ground stated.

8. During the course of hearing, learned counsel for the Petitioner did not dispute the fact that the Petitioner was allowed to inspect the documents, as it was voluminous in nature and, as such, could not be supplied to him. Section 207 of Cr.P.C. empowers the court that when a document ought to be supplied to the accused is voluminous in nature, the court instead of furnishing copy thereof to the accused direct him to inspect the same either personally or through his pleader in the court. The same in this case was ordered by the court before framing of charge. It is never the case of the Petitioner that the interval period between the date, he was directed to inspect the documents, which were not supplied to him being voluminous in nature and the date of framing of charge was so short, for which, it was not possible on his part to inspect the documents. The Petitioner-accused, however, without inspecting the documents, on the date the case was

posted for charge made a prayer to supply those documents to him on his own cost afresh. The court did not pass order on the same, but proceeded hearing with the charge. The Petitioner without any grievance participated in the same. Therefore, it cannot be said that there was non-compliance of the Section 207 of Cr.P.C. in this case with regard to supply of documents in any manner before framing of charge. Furthermore, the Petitioner has also not brought notice of the Court how non-supply of the papers has caused prejudice to him.

9. In such premises, this Court is of the view that the prayer made in this case challenging the impugned order is devoid of merit.

10. Accordingly, the CRLMC stands dismissed.

11. However, since the petition is filed by the Petitioner for supply of the documents on his own cost is pending, the court may address the same for supply to him on receipt of the copy of this order and if the same appears to be convenient in view of the present technology, i.e., availability of photocopier machine using which copy of the documents applied for can be easily made and the Petitioner is ready to pay the cost, the court may do the needful. But the same should not be treated as mandate of this Court to the trial court to supply the same, as the trial court in this regard, which is seisin over the matter, is the best judge where the documents are available with it physically. But the Petitioner must appear before the court to press his such prayer within three weeks hence.

(S. Pujahari)
Judge