

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRL.REV No.447 of 2022

Krishan Kukmar Goenka Petitioner

Mr.K.C. Parida, Advocate

-versus-

**Republic of India & Opp. Parties
another**

Mr. Sarthak Nayak

Special Public Prosecutor (CBI)

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
11.10.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This revision petition has been filed for setting aside the order dated 13.09.2022 passed by the learned Special C.J.M. (C.B.I.), Bhubaneswar in S.P.E. No.05 of 2000.

It appears that a petition was filed on 22.08.2022 by the learned defence counsel in which it is mentioned that the prosecution has not supplied the copies of the statements of some witnesses recorded under section 161 of Cr.P.C. to the accused, which are essential documents to be perused by the accused for hearing on the point of charge.

In the connected matter i.e. CRL REV No.427 of 2022 where the petitioner has challenged the order dated 20.08.2022 passed by the learned trial Court, learned counsel for the petitioner submitted that the statements of Sri Gouri Lal, Sri Karnail Singh, Sri A.S. Gupta and Sri S. Saha from the 1st charge sheet and the statements of Md. Sakil, Subash Agrawal, Amarnath Kumar, Sri Ashok Kumar and Sri Vijay Golcha from the supplementary charge sheet have not been supplied to the petitioner, who is the accused in the said case.

Learned Special Public Prosecutor appearing for the C.B.I. was asked to obtain instruction from the I.O./Public Prosecutor attached to the concerned Court as to whether copies of such statements have been supplied to the petitioner or not.

Today, Mr. Sarthak Nayak, learned Special Public Prosecutor appearing for the C.B.I. pointed out from the 1st charge sheet that Sri Gouri Lal and Sri Karnail Singh are the charge sheet witness Nos.20 and 21 respectively but they are only witnesses to the search and their statements have not been recorded under section 161 of Cr.P.C. Similarly, Sri A.S. Gupta and Sri S. Saha, who are charge sheet witness Nos.22 and 23 respectively, are to prove the Forensic Science Laboratory report and their statements are also not available. He pointed out from the witness list

attached to the supplementary charge sheet that the statements of witnesses Md. Sakil, Subash Agrawal, Amarnath Kumar, Sri Ashok Kumar and Sri Vijay Golcha, who have been shown as witness Nos.2 to 6 in the said charge sheet, have not been recorded in a narrative form but their statements are available in the case diary in gist and the same has already been supplied to the accused petitioner, which is not disputed by the learned counsel for the petitioner.

In view of such submission made by the learned Special Public Prosecutor on instruction and after going through the impugned order dated 13.09.2022, when the statements of four witnesses from the 1st charge sheet have not been recorded and when the statements which have been recorded in the gist as per the supplementary charge sheet have already been supplied, I find no reason to interfere with the impugned order dated 13.09.2022.

Accordingly, the revision fails and the same stands dismissed.

(S.K. Sahoo)
Judge