

21.03.2023

Sl. No. 04

Srimanta

Ct.No. 42

CRR/651/2023

In the matter of : **Sayan Mukherjee**

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Sudipto Moitra, Sr. Adv.,
Mr. Debasis Roy,
Mr. Kallol Mondal,
Mr. Soubhik Mitter,
Mr. Rajdeep Majumder,
Mr. Ayan Bose,
Mr. Jayanta Narayan Chatterjee,
Mr. Imtiaz Ahmed,
Mr. Shiladitya Banerjee,
Mr. Shaumik Ganguly,
Mr. Sandip Chatterjee,
Mr. Sourav Chatterjee,
Mr. Ayan Bhattacharjee,
Mr. Pheroze Edulji,
Mr. Soumya Priya Chowdhury,
Mr. Saryati Dutta,
Mr. Ranadeb Sengupta,
Mr. Antarikhya Basu,
Mr. Moyukh Mukherjee,
Mr. Anirban Dutta,
Mr. Pritam Roy,
Mr. Smarajit Basu,
Ms. Madhumita Basak,
Mr. Tamoghna Saha

...for the petitioner.

Mr. Rudradipta Nandy,
Ms. Manisha Sharma,
Ms. Sonali Das

...for the State.

Vide order dated 17th March, 2023 this Court requested the learned Public Prosecutor-in-Charge to produce the case diary to show as to whether one of the accused, namely, Raj Kumar Rai died during the pendency of the case or not.

The learned Public Prosecutor-in-Charge has produced the case diary. It is found from the case diary that the

Investigating Officer has collected the inquest report, P.M. report and the complaint filed by the mother of the said deceased Raj Kumar Rai alleging death of her son, Raj Kumar in an encounter.

In view of such circumstances, this Court is of the opinion that repeated insistence by the learned Trial Judge to produce the death report of deceased Raj Kumar in original becomes redundant when there is ample material in the case diary in support of the proof of his death. Therefore, this Court accepts death of accused Raj Kumar Rai during pendency of Beliaghata Police Station Case No. 5/2021 corresponding to Sessions Case No. 03(06)/2022.

It is submitted on behalf of the petitioners that the learned Trial Judge is not in a position to comply with the provision of Section 207 of the Code of Criminal Procedure by supplying the copies of the documents which the prosecution will rely or any other important documents, as the case may be, to the learned defence Counsels in their absence.

Law stipulates supply of copies under Section 207 of the Code of Criminal Procedure to the accused persons. Therefore, the learned Trial Judge is directed to comply with the stipulation made in Section 207 of the Code of Criminal Procedure by serving the copies of the documents relied on by the prosecution during trial directly to the accused persons and proceed with the case by fixing a date for consideration of charge. The learned Trial Judge is also directed to inform the learned defence Counsels the date of consideration of charge that will be fixed by him through the Bench Clerk attached to this Court to the learned defence Counsels on behalf of the accused persons who are facing trial.

If the learned Trial Judge finds sufficient material to frame charge, he shall frame charge against the accused persons and then proceed with the trial without further delay.

With the above order, the instant application is disposed of.

(Bibek Chaudhuri, J.)