

29.11.2023

Item No.4
Ct.No.34
dc.

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

**C.R.R. 4294 of 2022
with
CRAN 3 of 2023**

**Shyama Prasad Mukherjee
versus
The State of West Bengal & Anr.**

Mr. Sourav Chatterjee,
Mr. Soumya Nag,
Mr. Aditya Tiwari ... For the Petitioner.

Mr. Debashis Roy, Ld. P.P.,
Mr. Rudradipta Nandy,
Mr. Iqbal Kabir ... For the State.

Affidavit-of-service filed in Court today be kept on record.

The grievance of the petitioner is regarding the issue of not giving meaningful inspection in respect of voluminous documents, non-supply of unrelied documents by the prosecution and non-availability of all the documents relied upon by the prosecution under Section 207 of the Code of Criminal Procedure.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that all the relied upon documents under Section 207 of the Code of Criminal Procedure has been received by the petitioner. The grievance of the petitioner is regarding the time to be allotted for inspection of the voluminous documents. If the documents are voluminous, one or two inspection will not solve the purpose of the defence.

Accordingly, the petitioner at the relevant time when the witness is examined whose evidence is related to the voluminous documents will inform the special court that the cross-examination can take place only after inspection of such voluminous documents is completed. Apart from the same, the learned court will allow the defence to see the voluminous documents while cross-examining the witness concerned. The voluminous documents will be handed over to the defence counsel in court to draw attention of the witness at the time of cross-examination. Copies relating to the same may not be warranted to be supplied at this stage in view of the settled proposition of law.

So far as the unrelayed documents are concerned, the petitioner at this stage will give a list to the court, if he has knowledge regarding the unrelayed documents. Secondly if any unrelayed document is brought in evidence in course of the trial, a copy in advance must be supplied to the petitioner. In case any oral evidence indicates that the prosecution is in custody of a document, on an application by the petitioner, a copy of the same must be handed over to the learned counsel appearing on behalf of the petitioner.

With the aforesaid observations, the revisional application being CRR 4294 of 2022 is disposed of.

Pending connected application is 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.)