

08.03.2024

Item No.26
Ct.No.34
dc.

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

C.R.R. 595 of 2024

In the matter of : **Md. Siraj & another** ... Petitioners.

Mr. Amal Krishna Samanta,
Mr. Arun Kumar Das ... For the Petitioners.

Mr. Arijit Ganguly,
Ms. Baisakhi Chatterjee ... For the State.

Affidavit-of-service filed on behalf of the petitioners be
kept with the record.

Report dated 08.03.2024 submitted by Mr. Ganguly,
learned advocate appearing for the State be also kept with the
record.

Prayer so advanced by the present petitioners viz. Md.
Siraj and Sk. Riki who are facing trial in connection with
Tamluk Police Station Case No. 829 of 2022 dated
14.09.2022 is that they have not received the documents
under Section 207 of the Code of Criminal Procedure. To that
effect, they advanced prayer before the learned Magistrate.
The learned Magistrate did hold the same to be prematured
and rejected the said petition.

So far as these two petitioners are concerned, the
enclosed photostat copies of the documents of the learned
trial court which have been placed before this Court do not
reflect that copies have been received by any advocate or the
present individual being Md. Siraj and Sk. Riki which is
either the complete documents or the incomplete documents.

It has been informed that the next date has been fixed on 12.03.2024 before the learned Additional Sessions Judge, 4th Court, Tamluk.

Having considered the prayers so advanced as also the possibility of the petitioners suffering prejudice for charges being framed without receipt of the documents under Section 207 of the Code of Criminal Procedure which have been already served to three of the accused persons as is revealed from the report placed by the State by way of an acknowledgement on behalf of the learned advocates of the said accused persons, I am of the view that prior to charges being considered by the learned trial court, a set of documents be served upon the present petitioners viz. Md. Siraj and Sk. Riki. The learned trial court will thereafter proceed for consideration of charges. If at any point of time, supplementary charge-sheet is submitted, the documents relied upon in the supplementary charge-sheet would be handed over to all the accused persons and the trial be proceeded accordingly.

With the aforesaid observations, the revisional application being CRR 595 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)