

April 25, 2024
ARDR (41)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

**CRR 156 of 2023
CRAN 1 of 2023**

Smt. Sabita Roy
Vs.
The State of West Bengal & anr.

Adv. Arnab Saha,

...for the petitioner.

Adv. A.S. Chakraborty, Ld. APP,
Adv. Kallok Acharya,

...for the State.

On prayer of the petitioner, the name of Alok Roy, the 2nd opposite party be expunged from the cause title of the application.

The cause title be amended accordingly.

The petitioner who is an accused in G.R. case no. 2169 of 2012 pending before the learned Additional Chief Judicial Magistrate, Alipurduar filed an application before the Court praying for copies of documents relied upon by the prosecution in Column no.10 of the charge-sheet. The prayer was turned down by the learned Court by an order passed on 8th December, 2021 with an observation, *inter alia*, if further documents were produced by the prosecution, reasonable time would be given to the defence for cross-examination of the witness on the said documents. Learned Court has also recorded that Sections 311 of the Code of Criminal Procedure and Section 165 of the Evidence Act have given ample power to the Court to call for any document or witness at any stage of trial.

Learned counsel for the State submits, in all fairness, that the State shall make over copies of the documents as asked for by the accused/petitioner.

In view of the above, nothing further remains to be adjudicated in the present application and the same is disposed of.

The order impugned dated 8th December, 2021 is accordingly set aside.

The State/opposite party is directed to make over copies of the documents asked for by the accused/petitioner in his application filed before the learned Additional Chief Judicial Magistrate, Alipurduar on 16th October, 2019 within four weeks from date.

Urgent certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Suvra Ghosh, J.)