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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 818/2024**

KUNAL VANWANI & ANR.

.....Petitioners

Through: Mr. Satinder Singh Mathur, Mr.
Utkarsh Vats and Mr. Saurabh
Pandey, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for State with
SI Gulzar Hussain, P.S. Darya Ganj.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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03.07.2024

CRL.M.A. 18945/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.REV.P. 818/2024 & CRL.M.A. 18944/2024

1. Criminal Revision Petition under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners challenging order dated 04.03.2024 passed by learned Additional Sessions Judge, Tis Hazari Courts, Delhi whereby the application filed on behalf of the petitioners for supply of copy of CDs alongwith footage in the pen drive filed alongwith the charge-sheet was declined. Also an application under Section 482 Cr.P.C. has been filed for stay of the proceedings before the learned Trial Court.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.



3. Learned counsel for the petitioners submits that FIR No. 028/2017 was registered at Police Station Daryaganj against the accused under Sections 308/323/341/354 IPC and chargesheet has been filed under Section 354/308/341/323/506/34 IPC. It is urged that copies of CDs alongwith footage in the pen drive filed alongwith charge-sheet have not been supplied to the petitioners despite the mandate under Section 207 Cr.P.C., by the learned MM as well as ASJ on committal of the proceedings.

Learned counsel for petitioner emphasis that the defence of the petitioners is likely to be prejudiced in case the CDs alongwith footage in the pen drive is not supplied. Reliance is further placed upon the order passed by Hon'ble Single Judge of the Karnataka High Court in **Sri Chirag R. Mehta v. The State of Karnataka**, Criminal Petition No.5712/2022 decided on 06.07.2022.

4. Learned APP for the State submits that copy of CDs alongwith footage in the pen drive could not be supplied, since a spare copy of the same has not been retained by the prosecution. She further submits that a copy of the same can be supplied in case preparation of the copies from the original through FSL is not opposed by learned counsel for the petitioners.

5. Section 207 Cr.P.C. mandates supply of documents which have been relied upon by the prosecution to the accused. It is well settled that accused should not be kept in dark about the evidence which has been relied upon by the investigating agency/prosecution in the charge-sheet, as the same is material for the purpose of defence of the accused. Sub-section (6) of Section 173 Cr.P.C. permits the investigating agency to withhold any portion of the statement which is not relevant to the subject matter or the disclosure of which is not essential in the interest of justice and is



inexpedient in the public interest. However, the aforesaid power can be used by the investigating agency/prosecution only to a limited extent but cannot be un-canalized.

Since the CDs and footage in the pen drive have been seized by the prosecution and filed with charge-sheet by the prosecution, having material bearing in the defence of the petitioners, it shall be in the interest of justice in case a copy of the same is supplied to the accused considering the underlying objective under Section 207 Cr.P.C. Petitioners are likely to be prejudicially affected in case the copies are not supplied to them.

In the facts and circumstances, since the learned counsel for the petitioners/accused has no objection to the preparation of copies from the original CD's/pen drive at this stage, it is hereby directed that the original CDs alongwith footage in the pen drive be forwarded in a sealed cover to FSL Rohini through Investigating Officer/SHO, P.S. concerned for preparation of copies within four weeks to be supplied to the petitioners/accused.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court as well as Director, FSL, Rohini for information and compliance.

ANOOP KUMAR MENDIRATTA, J

JULY 3, 2024/v