

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 2857 of 2025

Sushil Kumar Sureka

Vs.

State of West Bengal

With

CRR 3242 of 2025

Sanjay Bagaria

Vs.

State of West Bengal

For the Petitioner in CRR 2857/2025 : Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Sharequl Haque
Mr. Suman Majumder

For the Petitioner in CRR 3242/2025 : Mr. Sabyasachi Banerjee, Sr. Adv.
Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Sharequl Haque
Mr. Suman Majumder

For the State in CRR 2857/2025 : Mr. Debasish Roy, ld. PP
Mr. Saryati Datta
Mr. S. Ganguly

For the State in CRR 3242/2025 : Mr. Debasish Roy, ld. PP
Mr. Rudradipta Nandy, ld. APP
Ms. Nahid Ahmed

Heard on : 04.11.2025

Judgment on : 04.11.2025

Jay Sengupta, J.:

These are applications filed by the accused challenging an order dated 8th May, 2025 passed by the learned Additional Sessions Judge, 2nd Fast Track Court, Bichar Bhawan, Kolkata in Sessions Case No. 100

of 2011 arising out of Shakespeare Sarani Police Station (K2) Case No. 116 dated 24.03.2010 under Section 304, 308, 427 and 109 of the Indian Penal Code read with Sections 11C, 11J and 11L of the West Bengal Fire Services Act, 1950. As these applications arise out of the same proceeding, they are taken up for hearing together.

Learned senior counsels appearing on behalf of the petitioners submits as follows. The prime contention of the petitioners is that documents to be supplied to the petitioners for the criminal proceeding have not been supplied in accordance with law. There is no pagination of the set of documents supplied. Moreover, a list of documents that were not being relied upon ought to have been supplied to the accused. The same was not done. In spite of a direction passed by the learned trial Court in this regard, the same list of documents that was supplied earlier was resupplied. The petitioner would not be able to properly defend himself or even prosecute the application for discharge before the learned trial court unless they get all the documents and the lists required.

Learned Public Prosecutor representing the State submits as follows. In the instant case, the FIR was lodged on 24.03.2010. A charge sheet was submitted on 19.06.2010. The case was committed to the Sessions in 2011. For some time, the petitioners were before this Court praying for a relief. The relief was granted after a lapse of time.

Then in 2019 a date was fixed for consideration of charge. For the first time, the petitioners prayed for supply of non relied documents in 2024. The question of non pagination of the documents have never been taken up in pleadings and are being taken up for the first time before this Court. The petitioners are unnecessarily trying to protract the criminal proceedings. It is categorically submitted that there is no document that had not been relied upon in this case. Therefore, pursuant to the direction passed by the learned trial Court, the same list of documents was supplied. However, the photographs, that were not supplied earlier, were supplied to the accused on 08.05.2025.

So far as the question of pagination is concerned, it is not strictly a requirement of law. However, the issue can be settled between the learned counsels appearing before the trial Court.

It appears from the order sheet that on 15.01.2024 the prosecution was directed to furnish a list of documents that were not being relied upon. On the next date fixed i.e., on 19.03.2024, it was submitted on behalf of the prosecution that no other documents were to be supplied to the accused except the photographs. However, on the very same day, the Public Prosecutor therein prayed for time to comply with the Court's order of supplying a list of documents. Finally, on 08.05.2025, the prosecution apparently filed the statement of the I.O. containing 26 pages and 18 copies of photography and supplied copies

of the same to the accused. The same were kept on record. It was recorded that the application under Section 227 of the Cr.P.C. was heard and a date was fixed for further hearing of the petition.

From the above, it would be evident that on the particular day, the list as required was supplied although the consistent case of the prosecution has been that there were no documents left to be supplied.

In fact, the hearing of the prayer for discharge of the accused commenced and the accused seemed to have participated in the same.

Therefore, it appears that the prime grievances of the petitioners have all been addressed. Required lists and documents have been supplied. In fact, the accused had started participating in the hearing of the application for discharge.

Therefore, no further order need be passed in this regard.

With the above observations, both the revisional applications are disposed of and the learned trial Court is requested to conclude the proceeding as expeditiously as possible.

Urgent Photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)