

23.12.2025
SL No. 62
Court No. 446
Rohan

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 3557 of 2025

Ekbal Hossain @ Abu @ Ikbal Hossain & Anr.
Versus
The State of West Bengal

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee,
Mr. Rohan Bavishi.

... for the Petitioners

Mr. Joydeep Biswas,
Mr. Abhinaba Mukherjee.

... for the State

1. This revisional application has been preferred questioning the legality of the order dated 5th July, 2025 passed by the learned Additional District Judge, Bolpur, Birbhum in Sessions Case No. 37 of 2024 arising out of Labpur P.S. Case No. 51 of 2017 dated 6.4.2017 under Sections 341/342/346/347/329/364/302/201/120B of the Indian Penal Code (for short, IPC). By the said order, the petition preferred by the accused person, namely, Alope Das @ Bappa, seeking supply of certain copies of documents referred to in the charge-sheet, was rejected on the basis of the submission advanced on behalf of the prosecution that all the required documents had already been supplied to all the accused persons, including Alope Das @ Bappa.
2. Learned advocate appearing for the petitioner, submits that in the petition presented before the learned Court below, it was specifically averred that the documents referred to at serial Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in column No. 9 of the charge-sheet had not been supplied to the petitioner. He further submits that although the case was initiated under Sections 364/302 along with certain other provisions of the IPC,

the body of the victim could not be traced; nevertheless, the petitioner has been arrayed as an accused and is now being compelled to face the trial.

3. He further submits that there was no prior acquaintance between the victim and the present petitioner and that the petitioner has been falsely implicated in the case. Hence, in order to enable the petitioner to defend himself effectively, the said documents are required to be supplied to him. He also submits that very recently the Hon'ble Supreme Court, in a decision reported in (2023) 2 SCC 353 (*Manoj and others vs. State of Madhya Pradesh*), ruled that every document which the prosecution seeks to rely upon, as well as all documents collected during investigation by the investigating agency, are required to be supplied to the accused persons in compliance with the mandatory provisions of Section 207 of the Code of Criminal Procedure. He, therefore, prays for a direction upon the prosecution to supply the documents referred to hereinabove to the accused persons.
4. Mr. Biswas, learned advocate representing the State, submits that although upon completion of the investigation the charge-sheet has been submitted, the investigating agency retains certain documents for the purpose of further investigation and with the intention of producing the same at the time of trial. He further submits that, if so directed by the Court, such documents would be supplied to the present accused persons.
5. Heard the learned advocates appearing for the respective parties.
6. To shed light on the issue raised in the revisional application, it would be apposite to quote the provisions of Section 207 of the Code of Criminal Procedure, which is as follows: -

“207. Supply to the accused of copy of police report and other documents.—In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:—

(i) the police report;

(ii) the first information report recorded under section 154;

(iii) the statements recorded under sub-section (3) of section 161 of all persons whom the prosecution proposes to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under sub-section (6) of section 173;

(iv) the confessions and statements, if any, recorded under section 164;

(v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (5) of section 173:

Provided that the Magistrate may, after perusing any such part of a statement as is referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused:

Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.”

7. A bare perusal of the provisions quoted hereinabove shows that a bounden duty has been cast upon the Court to ensure that all documents referred to therein are supplied to the accused persons before the commitment of the case for trial. This is a judicial obligation, and the supply of such documents is not a mere formality; it is required to be done to ensure that no accused person is prejudiced in his defence even at the stage of framing of charges. The object behind making provision

for the supply of such documents is to enable the accused person to defend himself properly, and the idea is to put the accused on notice of what he has to meet at the trial.

8. In a celebrated decision of the three-Judges' Bench of the Hon'ble Supreme Court in *Criminal Trials Guidelines regarding Inadequacies and Deficiencies, In Re. vs. State of Andhra Pradesh and others*, reported in (2021) 10 SCC 598, a guideline was approved for adoption by all States, which is as under:

“ 21. .. ‘4. Supply of documents under Sections 173, 207 and 208 CrPC.- (1) Every accused shall be supplied with statement of witness recorded under Sections 161 and 164 CrPC and a list of documents, material objects and exhibits seized during investigation and relied upon by the investigating officer (IO) in accordance with Sections 207 and 208 CrPC.

Explanation: The list of statements, documents, material objects and exhibits shall specify statements, documents, material objects and exhibits that are not relied upon by the investigating officer.

9. Quoting the above decision in *Criminal Trials Guidelines regarding Inadequacies and Deficiencies, In Re. (supra)* with approval, the Hon'ble Supreme Court, in *Manoj & Ors. (supra)*, ruled that, in the interest of justice, it should, as a matter of rule, be ensured in all criminal trials that the above guideline is complied with and that the list of statements, documents, material objects and exhibits which are not relied upon by the investigating officer is furnished to the accused. The presiding officers of criminal courts shall ensure compliance with such guidelines.

10. This Court, in exercise of its powers conferred by Clauses 2 and 3 of Article 227 of the Constitution of India, has framed a Rule vide the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985. Rule 91A of the said Rules mandates that every accused person shall be supplied with the statements of witnesses recorded under Sections 161 and 164 of the Code, and a list of documents, material objects, and exhibits seized during investigation as relied upon by the Investigating Officer, in accordance with the provisions of Sections 207 and 208 of the Code. An explanation appended to the Rule provides that the list of statements, documents, material objects, and exhibits shall also specify those that are not relied upon by the Investigating Officer.
11. Therefore, upon a conjoint reading of the propositions laid down in the aforesaid decisions and the provisions referred to in the foregoing paragraphs, the prosecution is mandated to supply all documents collected during investigation, as well as the documents it intends to rely upon during the trial, to the accused persons. As noted previously, it is a judicial obligation to ensure that, during the trial, all documents having evidentiary value, including material objects, are supplied to the accused. The only exception is that where the documents are voluminous in nature, the accused is to be given the liberty to inspect the same.
12. In this revisional application, it has been specified that the following have not been supplied: i) one certificate of registration of Mahindra TUV 300 car bearing No. WB/16AS 1106; ii) two printed photographs of the unknown deceased; iii) carbon copy of the dead body challan; iv) carbon copy of the surathal report; v) computer copy of messages of all concerned in connection with Amdar P.S. U/D Case No. 06 of 2017 dated 18th March, 2017; vi) copy of requisition for holding the post-mortem

examination of the dead body; vii) disposal order for the dead body; and viii) copy of messages to the SDO Barasat and ix) 34 colour photographs of the place of occurrence. In addition, the accused claims that the prosecution intends to rely upon one Sony DVD-R, the contents of which have not been supplied to the petitioner.

13. Mr. Biswas, learned advocate appearing for the State, submits, on instruction from the Investigating Officer present in Court today, that all the documents shall be supplied to the petitioner if such a direction is given by this Court.
14. Mr. Biswas contends that if the contents of the video are directed to be supplied and copied for that purpose, the hash value will change. However, it has not been clarified that whether such a change in hash value would affect the evidentiary value of the video. As per the legislative mandate and the proposition laid down in the judgments referred to in the preceding paragraph, the prosecution is duty bound to supply all materials, particularly those referred to in the charge-sheet. Since the contents of the video have been referred to in the charge-sheet, the prosecution is under an obligation to supply the same.
15. If, in making a copy of such a document, its hash value is altered, the prosecution is at liberty to bring this fact to the notice of the learned Trial Court. If such fact is brought to the notice of the learned Trial Court, it shall take a decision accordingly, keeping in mind that when the contents of the video are copied, the hash value of the video is changed.
16. In answer to my query, it has been stated that the charge has not yet been framed.

17. Therefore, for the reasons and discussions set out in the foregoing paragraphs, the present revisional application is disposed of by directing the prosecution to supply all the documents referred to at serial Nos. 3 to 13 of column No. 9 of the charge-sheet before the framing of charge and, if charge is framed in the meantime, then before commencement of the trial.
18. With the above observations and order, the revisional application being **CRR 3557 of 2025** is **disposed of**.
19. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Partha Sarathi Chatterjee, J.)