

Item 15.09.
No. 2025
06

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Ct 32

CRR 5374 of 2024

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Shri Amiya Kanti Patnaik
Vs.
The State of West Bengal & Anr.

Mr. P. C. Das,
Mr. Sabir Ahmed.
Ms. Soma Chowdhury (Bandhu).

... for the petitioner.

Mr. Amajit De

... for the CBI.

1. The instant revisional application has been filed assailing the order dated 11.11.2024 as well as the inaction on the part of the learned Trial Judge to comply with the order 03.10.2012 passed by the Hon'ble Co-ordinate Bench of this Court in connection with CRR 3391 of 2012.
2. Both the learned counsel appearing on behalf of the petitioner as well as CBI are present.
3. Learned counsel appearing on behalf of the petitioner has referred to the order dated 11.11.2024 as well as other subsequent orders whereby Learned Trial Judge refused the prayer of the application filed in compliance with the order of Hon'ble Coordinate Bench of this Court in connection with CRR 3391 of 2012 on the ground that the petitioner/accused can avail the opportunity of calling for any document or materials at the stage when he enters upon the defence.

4. Learned counsel appearing on behalf of the opposite party No.2/CBI has submitted that Learned Trial Court did not refuse the prayer for availing opportunity of summoning documents.
5. On careful scrutiny of the order passed on 03.10.2012 in connection with CRR 3391 of 2012, it appears that Hon'ble Coordinate Bench specifically observed as follows:

“On the observation made by this court that the petitioner, if required, can call for the computer disk during the cross-examination of the witness and get the same exhibited.”
6. The order passed in CRR 3391 of 2012 crystallizes a liberty afforded to the petitioner/accused to file an application before the Learned Trial Court for production of computer disk during cross-examination of the witness.
7. Here in this case, Learned Judge refused the prayer made on behalf of the petitioner/accused on the ground that the accused can only take advantage of this liberty when he enters upon the defence.
8. In my humble opinion, Learned Trial Court has ignored the order passed by the Hon'ble Coordinate Bench of this Court in connection with CRR 3391 of 2012. Only on this score, all orders refusing the prayer in non-compliance with the order passed by this Court in CRR 3391 of 2012 stands set aside.

9. Petitioner is at liberty to file an application before the Court in compliance with the order dated 03.10.2012 and Learned Trial Judge shall consider the application accordingly after giving an the opportunity to the prosecution/CBI, before cross-examination of PW-3 as it is submitted on behalf of the opposite party No.2/CBI that no such hard disk has ever been seized.
10. With the aforesaid observation, the revisional application stands disposed of.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)