

09.01.2025

Item No.3
Ct.No.2
Rakib

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 6 of 2025

Lakpa Tamang

Vs.

The State of West Bengal & Anr.

Mr. Sabyasachi Banerjee, Sr. Adv.
Ms. Minal Palana,
Mr. Subham Das

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.,
Mr. Abhijit Sarkar.

... For the State.

Petitioner has approached this Court as the learned trial Court by its order dated 02.12.2024 refused to consider the prayers for supply of copies and documents relating to relied upon and un-relied upon documents of the prosecution.

Mr. Banerjee, learned senior advocate appearing on behalf of the petitioner has drawn the attention of the Court to the application which was preferred before the learned Special Court on behalf of the present petitioner, wherein he has stated regarding the documents which have been received by him and the documents and statements of witnesses relied upon by the prosecution which have not been supplied to him. In paragraph 5 of the said application a list of witnesses have been named with Serial nos. a to m.

Learned Additional Public Prosecutor on instructions submit that none of the statements of the witnesses were recorded as they were formal witnesses and as such no question arise for supplying of any statement under Section 161 of the Code of Criminal Procedure. So far as the statement of the victim under Section 164 of the Code of Criminal Procedure is concerned a copy of the same may be handed over to the petitioner or the learned advocate appearing on behalf of the petitioner. Another claim has been made on behalf of the petitioner in respect of certain seizures which have been effected which includes documents both electronically as well as hard copy documents. The same has been referred to in paragraph 6 of the application.

Attention of the Court was drawn to the report under Section 173 of the Code of Criminal Procedure. On an assessment of the report at Serial no. 11, the details of the properties/articles/documents recovered, seized and relied upon by the investigating agency have been referred to therein.

In view of the same having been relied upon within Serial no.11 of the report under Section 173 of the Code of Criminal Procedure there are 18 Serial numbers in a tabular chart. Serial nos. 1 to 4 are material exhibits, as such no question arise for supplying the same. The first part of Serial no.12 refers to mobile phone which is also a material exhibit, as such there is no scope for supplying the same. So far as

the rest of the items are concerned from Serial no.5 to Serial no.18 the prosecution will supply either photostat copy or electronically by way of a Pen Drive, the material documents which are available with them referred to therein. If a Pen Drive has been seized by the investigating officer and is kept in a sealed cover and the investigating agency is of the opinion that copying from the Pen Drive will change the hash value, in that case the investigating officer or the Public Prosecutor representing the State would seek permission of the Court and an order be passed by the learned Special Court that in view of the accused wanting contents from the Pen Drive which requires to be copied, as a consequence of which hash value may change.

The compliance relating to supply of the aforesaid items referred to therein may be completed within one week from the next date so fixed.

Learned trial Court will thereafter fix date for consideration of charges in the first week of March, 2025.

With the aforesaid observations CRR 6 of 2025 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)