

Criminal Revision
Present: **The Hon'ble Justice Ashim Kumar Roy**
Judgment on: 22.02.2010
C.R.R. No. 213 of 2010
Ranjit Debnath
versus
The State of West Bengal & Anr.

Point:

SUPPLY OF DOCUMENT: Document sought to be relied whether to be marked as exhibit-
Whether copy to be supplied to the accused- Code of Criminal Procedure, 1973, S 482

Fact: The petitioners who have been facing their Trial in relation to an offence punishable under Sections 498A/302/34 of the Indian Penal Code moved an application with a prayer for supply of a letter which had been referred by the P.W. 1 during his examination-in-chief. However, the Learned Court below without passing any order kept the said application with the record. Challenging such inaction, the petitioner moved the instant criminal revisional application.

Held: It is the law that if a Court is going to rely on any document, the same has to be exhibited. Accordingly, it is directed if such document is exhibited during the trial for the purpose of relying upon the same, the Court concerned shall supply the same to the accused persons/petitioners before hand. Paragraph – 3

For Petitioner : Mr. Abhijit Kumar Adhya

The Court:

In course of a Sessions Trial relation to an offence punishable under Sections 498A/302/34 of the Indian Penal Code, the P.W. 1 during his examination-in-chief stated that Daroga Babu gave him a letter which they took at Howrah Police Station and Daroga Babu of Howrah Police Station took his elder brother Lalu Pandit to the Female Ward where his daughter was admitted for recording her dying declaration. Following such statement, the petitioners who have been facing

their trial in connection with the said case, moved an application with a prayer for supply of such letter. However, the Learned Court below without passing any order kept the said application with the record.

Aggrieved thereby the present petitioner moved the instant criminal revisional application.

2. Heard Mr. Abhijit Kumar Adhya, the Learned Counsel appearing on behalf of the petitioner. But in spite of repeated calls, none appears either on behalf of the State or on behalf of the private opposite party. Affidavit of service filed in Court be kept with the records.

3. Now, having gone through the materials on record, I find although the witness has referred about such letter in his examination-in-chief but no such letter has yet been exhibited during the trial. It is the law that if a Court is going to rely on any document, the same has to be exhibited. Accordingly, it is directed if such document is exhibited during the trial for the purpose of relying upon the same, the Court concerned shall supply the same to the accused persons/petitioners before hand.

This criminal revisional application, thus, stands disposed of.

Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

(Ashim Kumar Roy, J.)