

MHBI030030092022 	<u>ORDER PASSED BELOW EXH.07 IN R.C.C.NO.</u> <u>665/2022</u>
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01. This application is filed by the accused for providing documents as per Section 207 of Cr.P.C.. It is stated by the accused that, supplementary chargesheet is filed on 12.10.2022. In the supplementary chargesheet, names of seven witnesses are stated but the statement of the seven witnesses are not provided to the accused. Moreover, in column No.4, there is report of police station Nagpur dated 17.09.2006 in which there is description of 10 documents. But, said 10 documents are not provided to the accused. It is necessary to provide said documents as per Section 207 of Cr.P.C..

02. The Ld. APP has filed say and raised objection, stating that original chargesheet was filed earlier. This accused was shown as proclaimed offender as per Section 299 of Cr.P.C.. On 13.10.2022 supplementary chargesheet is filed. The list of witness is filed along with chargesheet. But, the copies of statement of the witnesses are not filed along with chargesheet. The documents which were filed in this chargesheet are already provided to the accused. As the copies of the statement of the said witness are not on the record, therefore, can not be given to the accused. Hence, application is not tenable. Therefore, prayed for rejection of the application.

03. Heard both the sides and perused the record.

04. Heard argument advanced by both the sides.

05. Section 207 of Cr.P.C. reads as under :

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.

05. As per Section 207 Cr.P.C. it is mandatory to provide copy of Police report, FIR and the statements of all witnesses to whom the prosecution wants to examine as witness and any other documents which is forwarded with the police report. Said documents are necessary to be provided to the accused for the ends of justice. The names of 11 witness are stated in the witness list. It was the responsibility of the concerned Investigating officer/Police Station to supply the relevant documents at the time of filing report supplementary chargesheet, which is necessary for the defence of the accused. The prosecution to provide all the relevant documents

to the accused on which the prosecution would place reliance during trial. Hence, I pass following order.

ORDER

The concerned Investigating officer / Police Station or prosecution to provide said documents to the accused as required as per Section 207 of Cr.P.C.

Beed.
Date : 09.07.2024

[Vandana V.Joshi]
Chief Judicial Magistrate, Beed.

Dictated on : 09.07.2024
Transcribed on : 09.07.2024
Checked & signed on : 09.07.2024

I affirm that the contents of this PDF file are word to word
as per original order.

Sd/-
(A.D.Bavne)
Steno, C.J.M.Court, Beed.