

Special Case No.01 of 2018
Filing No.101 of 2018
CNR No.- WBCS01-000085-2018

Order No.56
Dated 14.08.2024

Today is fixed for appearance of the accused persons and hearing the petition u/s 227 of Cr.P.C. dated 17.12.2021.

Both the accused persons on CB are present by filing hazira.

Ld. Chief P.P. is present.

Ld. Defence Lawyer is also present.

A petition has been filed u/s 207 of Cr.P.C. on behalf of the accused Amitabha Chanda seeking necessary direction upon the prosecution to supply copies of all documents, both relied and not relied upon to the accused in view of Rule 91A of the Calcutta High Court, Criminal (Subordinate Courts) Rules, 1985.

Heard the Ld. Advocates on the petition.

While the Ld. Advocate for the accused argued that the prosecution should furnish the list of documents relied upon and not relied upon by them before the petition u/s 227 of Cr.P.C. is heard, the Ld. P.P. submitted that since copies were already supplied on 04.09.2018 and the accused filed petition for discharge u/s 227 of Cr.P.C. on 07.12.2021, the accused cannot delay the hearing of the discharge petition on the ground that such list was not supplied by the prosecution.

Rule 91A was amended by Gazette Notification dated 14.07.2022 in compliance with the direction of the Hon'ble Supreme Court in suo motu Writ (CRL) No.(S) 1/2017 and it is the mandatory duty of the prosecution to furnish the list of statements/documents relied upon as well as not relied upon by the investigating officer. As such, I do not find any justification to disallow the prayer made by the accused.

Accordingly, the instant petition is allowed.

The prosecution is directed to supply the list of documents, both relied upon and not relied upon, by the investigating officer on the next date.

Hearing of the petition u/s 227 of Cr.P.C. is adjourned today for the ends of justice.

To **23.09.2024** for filing list of documents upon which the prosecution intends to rely or does not intend to rely during the course of trial and hearing petition u/s 227 of Cr.P.C.

Dictated & corrected by me.

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868

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