

(2006) 12 PAT CK 0084

In the Patna High Court

Case No : Criminal Miscellaneous No. 38402 of 2006

Sri Ram Sharma and Another

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 13-12-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161, 207

Citation : (2007) 4 PLJR 92

Hon'ble Judges : Sheema Ali Khan, J

Bench : Single Bench

Advocate : Mahesh Narayan Parbat and Sanjay Kumar Jha, for the Appellant;

Final Decision : Allowed

Judgement

Sheema Ali Khan, J.—Heard learned counsel for the petitioners and the State. Petitioners have filed this application stating therein that the case has been committed without giving him police record and papers as required under the law. As far as that part of the order is concerned, this Court finds that it is completely illegal and no commitment has taken place before giving the petitioners the copies of the diary, record or other documents as required u/s 207 of the Code of Criminal Procedure.

2. Petitioners have also raised another point in which they have stated that the evidence of the witnesses before the police u/s 161 of the Code of Criminal Procedure was recorded on video camera as per the direction of the Director General of Police given in the supervision note. This video recording was not submitted in the court alongwith the charge-sheet. Petitioners have stated that they have also prayed in the court below that copies of the video recording should also be given to him alongwith the police papers.

3. I find that the court below has not recorded any order regarding the prayer made on behalf of the petitioners. I, thus, direct that the court below should hear the petitioners, the opposite party and the State with respect to the submission

that the video recording of the witnesses should be submitted in the court and thereafter the Court may decide as to whether it would be essential and necessary to handover the same alongwith police record to the petitioners. The court will decide this matter after taking into consideration the case of *Sadhvi Ritumbhara vs. State of Madhya Pradesh* [1997(2) Cr.L.J. 1232]. With the observation aforesaid, this application is allowed and the order impugned dated 18.7.2006 is hereby quashed.