

**HIGH COURT OF MADHYA PRADESH: BENCH AT  
INDORE**  
**BEFORE HON.MR. JUSTICE ALOK VERMA, JUDGE**

**Criminal Revision No.815/2016**

**Sultan Sheikh S/o Shri Chand Khan**

**Vs.**

**State of Madhya Pradesh**

**O R D E R**

**Post for 29.07.2016**

**(ALOK VERMA)  
JUDGE**

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Shri Gulab Sharma, learned counsel for the applicant.  
Shri Rohit Mangal, learned counsel for respondent/State.

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**O R D E R**

**( Passed on this 29<sup>th</sup> day of July, 2016 )**

This criminal revision is directed against the order passed by learned 12<sup>th</sup> Additional Sessions Judge, Indore in Session Trial No.106/2016 dated 27.06.2016 whereby the learned Additional Sessions Judge dismissed the application filed on behalf of accused-Sultan Sheikh on the ground that he was not supplied copy of the DVR, which was seized by police during investigation.

Learned Additional Sessions Judge dismissed the application by observing that the charge-sheet was filed on 04.02.2016. On this date, order-sheet of the court shows that copies of all the documents listed in the charge-sheet was given to the accused persons. On that date, Advocate Shri N.A. Sheikh was present before the court representing the accused and he never objected for not giving copy of DVR to the accused and after this date, till filing of the application, no objection was raised. Learned Additional Sessions judge further observed that once all the copies are given, there is no provision in

Cr.P.C. to supply copy free of cost to the accused persons. Aggrieved by this order, this revision is filed on the ground that the prosecution and the court is under obligation to supply all the copies under Section 207 of Cr.P.C. For this, the learned counsel for the applicant places reliance on judgment of Co-ordinate Bench of this court in case of **G.P. Pathak Vs. State of M.P. 2003(1) M.P.H.T. 174**, in which, it was held that the prosecution is required to supply all those documents to the accused on which it proposes to rely. When data was stored in 51 floppies, the prosecution was under obligation to supply copies of those floppies to the accused. He also places reliance on judgment of Hon'ble Apex Court in case of **V.K. Sasikala Vs. State (2012) 9 SCC 771**. The Hon'ble Apex Court held that

âHeld, right of accused to ask for all documents that he may be entitled to is one of the facets of just, fair and transparent investigation â Documents whether relied on or not by prosecution, but filed in court and which would help in determining the truth should be disclosed to accused â Thus, denial of access to documents in custody of court, though not relied on by prosecution, even at advanced

**stage of trial (S. 313 Cr.P.C. stage in this case) may cause prejudice to accused in properly defending her case and thus result in denial of fair trial. Cause of speedy trial should not cause justice to be denied.**

Reverting back to the case, I have gone through the copies of the charge-sheet filed by the applicant as Annexure-A3. In this case, in column No.11-A, list of the documents are given, which are filed with the quote alongwith the charge-sheet. In this case, there is no copy of DVR or any electronic data extracted from the DVR. The DVR machine was seized during investigation from the house of one of the accused-Babbu @ Sultan Sheikh situated at Khajrana. The machine was deposited alongwith other property seized and this property is described in column-11 of the charge-sheet. Accordingly, while dismissing the application, the learned Sessions Judge failed to notice that there is no document in electronic form or in any other form which was supposed to be the extract of any data stored in such machine. Only the whole machine was deposited before the court, and therefore, the prosecution is not under any obligation to supply any copy. Needless to say that copy of the machine cannot be supplied to the accused as the machine is available with the court and it may be produced during evidence by the prosecution.

In this view of the matter, I find that this revision is devoid of force and liable to be dismissed, and is dismissed accordingly.

Certified copy, as per rules.

**(Alok Verma)**  
**Judge**

Chitranjan