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WP-7332-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 3rd OF MARCH, 2025

WRIT PETITION No. 7332 of 2025

AMITABH GUPTA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amitabh Gupta, learned counsel for the petitioner.

Dr. S.S. Chouhan, learned Government Advocate for respondent/State.
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ORDER

Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice

The present petition has been filed seeking the following reliefs:

(i) A writ or direction in the nature of mandamus directing respondents to issue proper departmental order/GOP to ensure that the case diary as well as the charge sheet filed under section 193 of the BNSS contains all the evidence/statement/material inculpatory as well as exculpatory in nature.

(ii) A writ or direction in the nature of mandamus directing respondents to ensure compliance of Rule 117A in toto, by way of supplying (under section 230 and 231 of the BNSS), all the material inculpatory as well as exculpatory, collected during the course of investigation to the accused before commencement of his trial.

(iii) Any other relief which the Hon'ble Court deems fit in the facts



and circumstance of the case.

2. In exercise of the powers conferred by Article 227 of the Constitution of India, read with Section 477 of the Criminal Procedure Code, 1973 (2 of 1974), the High Court of Madhya Pradesh made the following amendments in the Madhya Pradesh Rules and Orders (Criminal) in pursuance to order passed by the Hon'ble Supreme Court in Suo Moto Writ Petition (Cri.) No.1/2017 In Re: To Issue Certain Guidelines Regarding Inadequacies and Deficiencies in Criminal Trials. Rule 117-A reads as under:

“117-A, Supply of documents under sections 173, 207 and 208 of Cr.P.C., 1973- Every Accused shall be supplied with statements of witness recorded under Sections 161 and 164 Cr.P.C., 1973 and a list of documents, material objects and exhibits seized during investigation and relied upon by the Investigating Officer (J.O) in accordance with Sections 207 and 208, Cr.P.C., 1973. [Explanation: The list of statements, documents, material objects and exhibits shall specify statements, documents, material objects and exhibits that are not relied upon by the Investigating Officer].

3. In view of the averments made by the counsel for the petitioner, we hereby dispose of the petition directing the Government of M.P. to ensure that the case diary as well as the charge sheet filed under Section 193 BNSS contains all the evidence/statement/material inculpatory as well as exculpatory in nature. Further we direct the respondents to ensure compliance of Rule 117-A of this Court in toto, by way of supplying (under section 230 and 231 of the BNSS), all the material inculpatory as well as exculpatory, collected during the course of investigation to the accused before commencement of his trial in terms of Rule 117-A.

4. To this effect, the Director General of Police, Madhya Pradesh, shall issue necessary orders/instructions to field officers within a week from



today ensuring compliance of Rule 117-A and directions contained in this order.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

RS