

**IN THE COURT OF DIG VINAY SINGH,  
SPECIAL JUDGE (PC ACT), CBI-09 (MPs/MLAs CASES),  
ROUSE AVENUE DISTRICT COURT, NEW DELHI.**

**CBI/56/2022  
53(A)/2022/CBI/ACB/ND  
CNR NO. DLCT11-000733-2022  
U/S IPC:120-B r/w 201, 420 PC ACT 1988: 7, 7A, 8 & 12**

**CBI**

***Vs.***

**KULDEEP SINGH & ORS.**

**ORDER**

**22.05.2025**

1. Various applications, preferred by multiple accused persons, under Section 207 of the Cr.P.C. (corresponding Sec 230 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023), are the subject matter of this order. Some of the accused have submitted multiple applications. Earlier, copies of the charge sheet, supplementary charge sheets, and materials relied upon by the prosecution (CBI) were supplied to the accused persons on different dates.
2. In many applications, the accused persons seek directions regarding notices under Sections 91/160 Cr.P.C. (corresponding Sec 94/179 of BNSS, 2023); communications sent by the Investigating Agency to others (including witnesses and accused); and documents received by the investigating agencies in response to those communications, claiming that those notices or communications have neither been relied upon by the CBI, nor listed in the list of un-relied documents (URD). Since this aspect is common to many

applications from different accused persons, it is appropriate that this issue be addressed first; thereafter, the remaining reliefs, if any, should be dealt with individually, to save time for the Court and avoid repetition.

- 2.1. The accused persons submit that the CBI has not included the Notices/Summons/communications sent during the investigation to the witnesses, accused and others, which sought documents from those persons or their presence for investigation, either in the list of relied upon documents (RD) or in the list of URD. They claim those documents are material, as they specify which witnesses or individuals were called, the documents sought from them, the documents obtained from them, the recorded or unrecorded statements of those individuals and, these documents would establish the chain of evidence presented. It is also claimed that the CBI has included only some responses submitted by individuals, leaving the accused with incomplete information; without the original requisitions from the CBI, it is unclear what specific queries or demands were made and whether the responses were complete. The accused asserted that the CBI still possesses many documents not placed in either of the lists, meaning neither the Court nor the accused persons are aware of these documents. They argue that these documents or directions are necessary and crucial for building a defense. They submit that the CBI did not include the Notices/Summons issued U/s 160 Cr.P.C. in the RD/URD list based on Clause 10.6 of the CBI Manual, 2020, which prescribes four categories of documents: statements of witnesses, seizure memos, search lists, and Notices U/s 160 Cr. P.C. It is claimed that under Clause 10.6 of the CBI Manual, these categories of documents must be included as relevant enclosures to case diaries, yet those Notices have not been supplied, as the CBI attempts to rely on section 172 Cr.P.C. (corresponding Sec 192 of BNSS, 2023). This is deemed unjustified, as simply being part of case diary does not

permit the CBI to withhold these documents under that provision. The accused asserts that the CBI has been selective in disclosing or withholding such documents in either list.

- 2.2. In response, the CBI submits that the Notices/Summons under Sections 91 & 160 Cr.P.C. are part of the case diaries and do not constitute part of the URD; they are not related to documents seized during the investigation and do not constitute evidence collected, but are merely requisitions or communications made for evidence collection and thus cannot be supplied according to Sec. 172 of Cr.P.C.
- 2.3. The CBI relies on the case of *P. Chidambaram Vs. Directorate of Enforcement (2019) 9 SCC 24*, wherein the scope of Section 172 Cr.P.C. regarding the production of CDs during the trial is discussed
- 2.4. The CBI also cites *Sidhartha Vashisht @ Manu Sharma Vs. State (2010) 6 SCC 1*, where it was held that the accused's rights regarding the disclosure of documents are limited, but codified, forming the basis for a fair investigation and trial. In these matters, the accused cannot claim an indefeasible legal right to every document in the police file or those excluded from the report under Section 173 (2) (corresponding Sec 193(3) of BNSS, 2023), according to the Court orders. The rights of the accused arise from codified law and equitable concepts under Constitutional jurisdiction, as substantial deviations in procedure would undermine the basis of a fair trial.
- 2.5. On the other hand, the accused argues that when the Investigating Agency sends notices or written communications to others, even if such documents are incorporated in case diaries, they cannot claim protection under Section 172 Cr.P.C. as is sought to be done. Moreover, they contend that the CBI Manual, specifically Clause 10.6, cannot supersede the Code of Criminal Procedure, and the CBI's claim that notices mentioned in CDs become part of the case

diary, thus exempting them from being supplied to the accused, cannot be accepted. They argue that the CBI cannot deny these documents to the accused without filing any application under Section 173 (6) of Cr.P.C. (corresponding Sec 193(7) of BNSS, 2023). They also argue that by not relying on these notices or communications, or by not listing them in the URD, the CBI is attempting to create a third category of documents, which is unacceptable. The accused have cited various judgments to support this plea.

- 2.6.** A-7 (Accused No. 7) cites *Ashutosh Verma Vs. CBI 2014 SCC OnLine Del 6931*, which discusses the powers of the Court under Section 173 (5) (b) and Section 207 Cr.P.C., stating that if the Investigating Agency does not make a specific request while forwarding the charge sheet, copies of all statements recorded under Section 161 Cr.P.C. or related documents must be provided to the accused under Section 207 Cr.P.C.. This provision's purpose is to eliminate prejudice against the accused and ensure a fair trial. It was also noted that per the amendment under Section 172 (1A) of the Cr.P.C., effective 31.12.2009, all statements under Section 161 Cr.P.C. must be recorded in the Case Diary, and the accused is entitled to copies of such statements, with Section 172 Cr.P.C. posing no barrier to their provision. The CBI's argument that some statements cannot be disclosed due to Section 172 Cr.P.C. was rejected in that case.
- 2.7.** A-7 also cites *Arvind Kejriwal and Anr. Vs. State (NCT of Delhi) (2020) SCC OnLine Del 1362*, which allowed a request from the accused for a statement of a witness, observing that if a subsequent statement recorded in the case diary indicated that it was a continuation of an earlier statement, then CBI must possess and supply that earlier statement.
- 2.8.** A-11 refers to *Kalyani Singh Vs. CBI, decided by the Hon'ble High Court of Punjab and Haryana on 08.05.2023 in CRM – M – 8463 -2023 (O & M)*,

discussing whether an accused is entitled to copies of unrelayed documents/material, even if not included in the report under Section 173 Cr.P.C.. The Court also addressed whether a relayed-upon document in digital form containing unrelayed-upon data should be fully provided or only the selective data. It was held that the prosecution must file a URD list along with the Section 173 Cr.P.C. report, allowing the accused to determine which URDs are needed. After filing such a motion, the Court is obliged to furnish copies unless exceptions permit inspection instead. Regarding the second question, it was concluded that the full record in any device must be made available to the accused, prohibiting selective disclosure without court permission per Section 173 (6) Cr.P.C.. Furthermore, it was established that without a court order under Section 173 (6) Cr.P.C., the prosecution cannot withhold any document, nor can disclosure powers be unrestricted; the Investigating Agency cannot use its authority arbitrarily to deprive an accused of the right to defend themselves.

- 2.9.** A-11 also cites *P Gopalkrishnan @ Dileep Vs. State of Kerala and Anr. (2020) 9 SCC 161*, which asserts that the contents of memory cards or pen drives, being electronic records, qualify as documents. When relayed upon by the prosecution, the accused should typically receive a cloned copy to enable effective defense during the trial. However, on privacy grounds, courts may justify only providing inspection to the accused, their lawyer, or an expert to balance both parties' interests.
- 2.10.** A-11 also cites *Rakesh Shetty v. State of Karnataka 2020 SCC OnLine KAR 4638*, wherein the Hon'ble High Court of Karnataka affirmed that the Investigating Agency can return seized materials such as computers, servers, etc., before completing the investigation. The court determined that, as investigations usually concern stored data, the original data could remain with

the Investigating Agency while returning the equipment alongside a cloned hard disk, etc.

- 2.11.** A-18 cites the case of *Lalita Kumari vs. State of U.P. (2014) 2 SCC 1*, where a Constitution Bench of the Hon'ble SC held that in case of inconsistencies between the provisions of the Code of Criminal Procedure and the Police Act 1861, the Code prevails, rendering the Police Act void to the extent of repugnancy. This observation supports the argument that the CBI Manual cannot supersede the provisions of the Code of Criminal Procedure.
- 2.12.** A-21 also refers to the case of *Mahabirji Birajman Mandir Vs. Prem Narayan Shukla and Ors. AIR 1965*, where the Hon'ble Allahabad High Court concluded that part of the Case Diary containing privileged communications or reports is protected, except for witness statements and other related matters, which cannot be withheld from the record or the accused.
- 2.13.** A-21 also relies on the case of *Shashi Bala Vs. State (Govt. of NCT of Delhi) 2016 SCC OnLine Del 3791*, remarking that a close reading of Sections 173(5)(6) and 207 of Cr.P.C. clarifies that only when a specific request is made by a police officer in the forwarding memo of the charge sheet indicating any particular statement recorded under Section 161(3) or any document should not be supplied to the accused, will the Magistrate, depending on judicial discretion and the reasons provided by the police officer, either direct a copy to be supplied or not.
- 2.14.** A-21 also cites *Arun Kumar Goenka Vs. CBI 2024: DHC: 173*, decided by the Hon'ble Delhi High Court on 08.01.2024, in which the Trial Court ruled that once the prosecution files a list of unrelayed documents, the Court cannot inquire further to assume that the prosecution failed to present the complete URD. The HC's decision emphasized that even if certain documents cannot be supplied as they are part of the case diary, the CBI still needs to produce other

related documents. CBI's argument regarding withholding documents based on confidentiality or being part of the investigation was rejected, asserting that written communication sent by the Investigating Agency to third parties cannot be claimed as protected under Section 172 Cr.P.C., which only extends certain protections to case diaries. In that case also, CBI presented an argument that certain documents cannot be supplied to the accused as they form part of the case diary, and also it was claimed that some documents are confidential, being diplomatic communication. It was held by Hon'ble DHC that the case diary would only mention the investigation and the fact of receipt of the letter, and the document would certainly be available with CBI. Relying upon the case of *VK Sasikala Vs. State (2012) 9 SCC 771* as well as the case of *Ankush Maruti Shinde Vs. State of Maharashtra (2019) 15 SCC 470*, the case of *CBI Vs. M/s INX Media Pvt. Ltd. And Ors. 2021: DHC:3538*, it was held that CBI cannot refuse to supply a copy of the letter to the accused.

- 2.15.** After the arguments, on behalf of A-21, on 15.05.2025, a list compiling judgments was filed through the filing section. This included the judgments already relied upon by this accused and other accused persons, as well as three additional judgments. A-21 relies on the case of *Col. S. J. Chaudhary Vs. CBI 1984 SCC OnLine Del 20* regarding the supply of witness statements recorded in the case diaries, as referenced by the Investigating Agency. Furthermore, reliance is placed on the case of *Vineet Narayan and Ors. Vs. UoI and Anr. (1998) 1 SCC 226* to emphasize that the CBI manual, based on the statutory provisions of Cr.P.C., provides essential guidelines for the CBI's functioning. The CBI must adhere to these manual provisions scrupulously concerning its investigative functions. A-21 also relies on the case of *V.K. Sasikala Vs. State (2012) 9 SCC 771*, which has been discussed in the other judgments regarding the supply of copies; A-21 refers to para 17 of the said case.

- 2.16.** Thus, in the present case, the contention of CBI that the notices and communications sent to third parties through which the documents were sought, and/ or the presence of the witness/ accused, or the communications and documents received by CBI from others, form part of the case diaries, has to be negated. Its obvious reasons are that when an Investigating Agency sends a written communication to third parties/ witnesses/ accused persons, either seeking supply of documents, or seeking presence of witnesses for statements or the presence of accused persons for investigation, those documents, even if they form part of case diary cannot be claimed to be protected under Section 172 of Cr.P.C.. Under that provision, only the case diaries are extended certain protection, and if an Investigating Agency chooses to record either the statement of witnesses within the case diaries or chooses to incorporate the communications and notices sent to others or received from others, those statements or communications/notices would not be protected. Thus, the stand of CBI that the communications and notices admittedly sent to others through which the information was obtained cannot be claimed to be protected under Section 172 Cr.P.C..
- 2.17.** Under the said provision a Police Officer making investigation is required to enter the day to day proceedings in the investigation in a diary, setting forth the time at which the information was received, the time at which investigation began, the time when investigation was closed, the place or places visited, and a statement of the circumstances ascertained through investigation. Sub-Section 1A, as inserted in the provision with effect from 31.12.2009, provides that a statement of witnesses recorded under Section 161 Cr.P.C. (corresponding Sec 180 of BNSS, 2023) during the investigation shall be inserted in the case diary. The Case Diary shall be a volume and duly paginated.



- 2.18.** Therefore, the case diary requires entries only qua the above-mentioned aspects as noted in section 172, and even if statement of witnesses is recorded in the case diaries and those statements are relied upon, the same have to be supplied to the accused. If an Investigating Agency chooses to incorporate within the case diary even the notices and communications separately written to others seeking information, or received from others, those communications/notices/documents would not acquire the character of case diaries. If that wider interpretation sought to be attributed by CBI is accepted, the Investigating Agency can then claim everything protected under Section 172 and thereby deny an accused the relevant documents and evidence.
- 2.19.** When statements of witnesses recorded in the case diaries are to be supplied to the accused in terms of Section 173(5) Cr.P.C., there is no reason why the notices and communications sent to others, even though mentioned in the case diary, should be given protection under Section 172 Cr. P.C.
- 2.20.** Therefore, the contention of CBI that the notices and communications sent to others or the communications and documents received back by the investigating agencies in response to those notices, etc., are protected under Section 172 Cr.P.C. is unacceptable.
- 2.21.** The obvious consequence of this would be that if there is any document like notice or communication in any form either sent by the CBI to others, or any reply/ document received from others by the CBI, those documents should be either in the category of relied upon documents, if the Investigating Agency chooses to base its case on such material, or such replies and documents should be in the list of unrelayed documents. An Investigating Agency cannot choose to categorize or create a third category of documents which would be neither relied upon nor unrelayed. Therefore, only the case diaries that contain information to the extent provided in Sub-Sections 1 & 1A of Section 172

Cr.P.C. can be claimed to be protected by CBI under that provision to the extent provided in Sub-Section 3 and not to the documents which may form part of the case diary.

- 2.22.** It would be another matter if the investigating agency chooses not to rely on those documents and keep them in the list of URDs, in that eventuality, an accused cannot seek copies of URDs, at least till charges are decided in a criminal matter, and an accused can at the most exercise its right of inspection of URDs. Even the fact of inspection of URDs by an accused cannot come in the way of a Court proceeding to hear arguments on charge for the reason that law is well settled that at the stage of consideration of charge it is only the material relied upon by the prosecution which can be looked into and an accused cannot seek to rely on any document in his favour either produced by him or even from the URDs of prosecution, at that stage of the matter.
- 2.23.** In this regard, one may usefully place reliance upon the case of *In Re: Criminal Trials Guidelines regarding inadequacies and deficiencies Vs. State of AP and Ors. (2021) 10 SCC 598 (relied on by both sides)*. In the said judgment, the Hon'ble Supreme Court merely allowed the supply of a list of unrelieved documents to the accused and no more. In para 11, it is mentioned that the supply of a list of unrelieved documents is with a view that in case an accused is of the view that such unrelieved material and documents are necessary to be produced for a proper and just trial, the accused may seek appropriate orders under Cr.P.C. for the production of those documents and materials during the trial. It is emphasized by the prosecution that even that judgment of the Hon'ble Supreme Court mentions that only the list is to be supplied and that the stage for summoning any such material by an accused would arise only during trial and not at the stage of charge.

- 2.24.** CBI also cites the case of *State of Rajasthan Vs. Swaran Singh @ Baba* decided by Hon'ble Supreme Court on 12.02.2024 in Criminal Appeal no. 856/2024. In that case, while rejecting the contention of the accused, relying on the case of *Nitya Dharmananda Vs. Gopal Sheelum Reddy* (2018) 2 SCC 93, that a Court is not debarred from exercising its power under Section 91 Cr.P.C., if the interest of justice so requires in a given case, the Hon'ble Supreme Court held that even in the case of *Nitya* (*supra*), it has been observed that an accused cannot invoke Section 91 Cr.P.C. at the stage of framing of charge. While relying upon the law laid down by a three-judge Bench of the Hon'ble SC in the case of *State of Orissa Vs. Debendra Nath Padhi* (2005) 1 SCC 568, Hon'ble SC held that at the stage of charge, an accused cannot seek to invoke Section 91 Cr. P.C.
- 2.25.** CBI also relies upon the recent decision of the Hon'ble SC, dated 05.03.2025, in the case of *CBI Vs. K Sudhakar and Anr.*, in Criminal Appeal no. 1440-41/2025, wherein the question which arose before the Supreme Court was whether the Trial Court was correct in allowing the applications filed by the accused seeking supply of certain documents not relied upon by the State at a pre-trial stage. While answering that question, Hon'ble Supreme Court stated that the Trial Court's order cannot be sustained in the eyes of law and there was absolutely no basis to allow for an inspection of documents, especially in the light of a specific stand taken by the prosecution that it is not going to rely upon the documents. It was held that a roving inquiry, at a pre-trial stage, is impermissible in law.
- 2.26.** In a more recent decision of a three-judge bench of the Hon'ble SC, in the case of *Sarla Gupta & Anr. Vs Directorate of Enforcement*, 2025:INSC:645, in para 31, SC held that a copy of the list of statements, documents, material objects, and exhibits that are not relied upon by the investigating officer must also be

furnished to the accused. The object is to ensure that the accused has knowledge of the documents, objects, etc. in the custody of the investigating officer which are not relied upon so that at the appropriate stage, the accused can apply by invoking the provisions of Section 91 of the Cr.P.C. (Section 94 of the BNSS) for providing copies of the documents which are not relied upon by the prosecution. This decision upholds the right of the accused to apply for the supply of copies of the documents which are not relied upon by the prosecution at an appropriate stage by making an application to the Court. Even in that case, only the right of an accused to have a copy of the list of URDs was upheld and not the copies of documents themselves. In para 41 of the case of *Sarla Gupta*, it is held that at the time of hearing for framing of charge, reliance can be placed only on the documents forming part of the charge sheet. At the time of framing a charge, reliance can be placed only on those documents which are produced along with the complaint or supplementary complaint (it was a case under PMLA, but the provision of section 207 Cr.P.C. applies equally). It was held that, though the accused will be entitled to the list of documents, objects, exhibits, etc. that are not relied upon by the ED at the stage of framing of charge, in the ordinary course, the accused is not entitled to seek copies of the said documents at the stage of framing of charge.

- 2.27.** In the case of *P Ponnusamy Vs. State of Tamil Nadu (2023) 12 SCC 666*, a 3 Judge Bench of the Hon'ble SC stated in para 13 that though the Court in the case of *V K Sasikala Vs. State (2012) 9 SCC 771* dealt with material/ documents that were forwarded to the Magistrate under Section 173 Cr.P.C., but were not being relied upon by the prosecution, however, it is undeniable that there can also be a situation where the IO ignores or does not rely on seized documents/ material which favours the accused and fails to forward it to the

Magistrate. It was held that merely because the said material was not already on record of the Court, it cannot disentitle an accused from accessing the material that may have exculpatory value. It was held that it is this gap that was recognized and addressed in the case of *In Re: Criminal Trials (supra)* and it was codified in the text of Draft Rule 4 by introducing a requirement of providing a list to the accused at the commencement of the Trial of all documents, material seized during investigation or in the possession of the prosecution regardless of whether the prosecution plans to rely on it or not. In para 17 of this judgment Hon'ble Supreme Court also clarified that the requirement of disclosure of material as elaborated in the case of *Manoj Vs. State of MP (2023) 2 SCC 353* applies at the stage of trial, i.e., after the charges are framed; the Court is required to give one opportunity of disclosure, and the accused may choose to avail of the facility at that stage. It was also held that in a case where documents are sought, the Trial Court should exercise its discretion, having regard to the Rule of Relevance in the context of the accused's right of defence. If the document or material is relevant and does not merely have a remote bearing on the defence, its production may be directed. The Supreme Court also clarified that this opportunity cannot be sought repeatedly, and the Trial Court can decline to issue orders if it feels that the attempt is to delay.

- 2.28.** In the case of *Manish Sisodia Vs. Directorate of Enforcement 2024 SCC OnLine SC 1920*, wherein in a PMLA matter arising out of the present predicate offence charge sheet, in para 47 & 54 of the order, while considering bail of one of the accused of this very case Supreme Court observed that the case involves thousands of pages of documents in physical form and over a lakh pages of digitized documents, and taking into consideration the huge magnitude in the documents involved it cannot be stated that the accused is

not entitled to take a reasonable time for inspection of the said documents running into several thousand pages. It was observed that to avail the right of fair trial, the accused cannot be denied the right to have inspection of the documents, including the unrelied upon documents.

- 2.29.** In the case of *Dheeraj Wadhawan Vs. CBI (2023) SCC OnLine Del 4870*, it is held that at the stage of Sections 207 and 208 of the Cr.P.C. the list of other material (such as statements, or objects/ documents seized, but not relied upon) should be furnished to the accused. However, in this very judgment it is also held that the accused has a liberty to call for such unrelied documents at the stage of trial in terms of Section 91 Cr.P.C.. In para 23 of this judgment Hon'ble High Court mentioned that so far as unrelied documents are concerned, only the list of those documents and material is to be supplied, clearly specifying the documents, material objects, and exhibits, but at that stage, copies of those documents cannot be supplied to the accused.
- 2.30.** In the case of *CBI Vs. INX Media Pvt. Ltd. And Ors. Decided by Hon'ble Delhi High Court on 10.11.2021 in Criminal MC 1338 of 2021*, Hon'ble Delhi High Court observed that CBI cannot take a plea that since Rules have not been notified according to the decision of the Hon'ble Supreme Court in the case of *In Re: Criminal Trials (supra)*, the directions laid down in that judgment would not have force of law till the rules are notified. In that case Hon'ble Delhi High Court also observed that the accused were not producing any document of their own but wanted to inspect and seek documents in possession of the CBI, which were kept back from the Court.
- 2.31.** **Thus, the answer to the main contention is that the notices/ communications sent to others by CBI, or the responses/documents received from others cannot be claimed to be protected under Section 172 Cr.P.C., even if incorporated in the Case diaries, and the Investigating**

**Agency may either rely upon those documents or list those documents in the list of URDs, and the accused persons are entitled to a copy of the list of URDs only, and not the copies of URDs themselves. They can, however, inspect the URDs.**

**2.32.** Thus, the main contentions are **resolved with a directive** for the Investigating Agency to include all notices under Section 91 Cr.P.C./160 Cr.P.C. or any other written communication sent by CBI during the current investigation, as well as any written documents or communications received from such parties, provided these documents are not already listed in the unrelayed documents and not already relied upon. Let CBI incorporate such notices/communications/documents in the List of URDs, within 4 weeks, and supply a copy of the list to all the accused.

**3.** Having answered the said main contention, let us proceed to consider the individual applications of the accused persons separately, regarding any other relief, if any, besides the above-mentioned decided contentions.

**4.** **A-7 (Sameer Mahendru)** has submitted an application dated 17.01.2025, stating that the prosecution filed two lists of URDs on 21.11.2024 and 07.01.2025. A-7 attached Annexure-A with his application, specifying these discrepancies, which have been addressed in the order dated 17.01.2025, as noted in paragraph 1 on page 6 and paragraph 2 on page 9 of the said order, a fact also acknowledged by A-7's counsel during arguments.

**4.1.** Therefore, A-7's application remains only the second aspect, specifically the missing names of witnesses in the two lists. A-7 points out that in the earlier list of URDs filed with the main charge sheet, the names of Mr. Amit Arora and Ms. Bijoya Roy are listed at serial numbers 5 and 9, respectively, but are

absent from the URD list provided on 09.01.2025. Similarly, the names of three individuals, namely Amit Arora, Vinod Chauhan, and Ashish Chand Mathur, appear in the URD list for further investigation at serial numbers 1, 34, and 36, but their names are missing from the URD list provided on 09.01.2025.

- 4.2. The CBI did not file a reply to this application but argued that the prosecution does not rely on the statements of these witnesses, suggesting that the application should be dismissed.
- 4.3. If the Investigating Agency does not wish to rely on the statements of the four individuals mentioned above, it should have included those statements in the URD list.
- 4.4. A-7's application can be resolved by **directing the CBI to include the statements of these witnesses in the URD list, if they have not already been incorporated. If they are already included, A-7 should be informed of their serial number in the URD list, and the Investigating Officer (IO) shall file an affidavit confirming that no statement from any of these four persons is omitted from the relied-upon documents or the URD.**
- 4.5. With that direction, A-7's application is disposed of.

5. **A 9 Amandeep Singh Dhall** has submitted an application seeking a list of URDs, which should include the following four categories of documents:
  - a. All notices issued by CBI under Section 91 Cr. P.C.
  - b. All summons issued by CBI under Section 160 Cr. P.C.
  - c. All emails/letters/requisitions/correspondences sent by CBI to witnesses/accused who are neither cited as witnesses nor named as accused, requesting their appearance or the production of documents during the investigation;



- d. All search and seizure memos that are neither listed in the relied-upon documents (RD) nor the unrelayed documents (URD).
- 5.1.** It is claimed that the URD documents submitted by CBI are incomplete, as they fail to include the emails and responses sent by the accused/applicant to CBI and those sent by CBI to the applicant. The applicant emphasizes an illustrative set of emails/correspondences allegedly omitted by the CBI, provided as part of the application, to demonstrate that the CBI did not include all correspondences in either of the two lists.
- 5.2.** Additionally, the applicant claims that the list of URD skips from serial number 751 to 891, raising concerns that either those documents were omitted from the list or the list is incorrectly numbered, necessitating an updated submission. **This issue has reportedly been resolved, as the CBI filed a fresh list of URDs, which was shared with all the accused.**
- 5.3.** Regarding the third category of documents, the applicant asserts that on 21.11.2024, the learned Special Public Prosecutor (SPP) for CBI made oral submissions in court stating that the CBI would provide a complete set of URDs to all accused persons, and thus such a direction should be issued for the provision of these URDs. The applicant also expressed concern that privacy issues regarding some documents might arise, for which adequate orders may need to be issued.
- 5.4.** Lastly, the applicant seeks a directive for the IO to file an affidavit detailing what documents are not included in the URD list filed before the Court.
- 5.5.** As for the first three requests by A-9, an order has already been issued in para 2 of this order.
- 5.6.** Concerning the emails, it is submitted by CBI that the emails, which are neither part of the RDs nor URDs, cannot be requested by the applicant. Moreover, it was noted that by order dated 07.02.2024, this applicant's request was denied,

and therefore, the applicant cannot revive the same points, particularly since **that order has attained finality and has not been challenged by the applicant.**

5.7. Regarding the fourth request of A-9, the CBI contends that the search and seizure memos under which records were procured or seized are part of the relied-upon documents or the URDs, and hence, there are no further search and seizure memos outside of those already mentioned.

5.8. **Concerning the search and seizure memos claimed not to be listed in the relied-upon documents or URDs, the IO is directed to file an affidavit detailing if any such search and seizure memos have not been included in the URD list. If any such search and seizure memos are missing from the URD list, they are to be added. Conversely, if the CBI asserts that there are no search and seizure memos beyond those already incorporated, an affidavit to that effect must also be filed.**

5.9. With that direction, the application of A-9 is similarly disposed of.

6. **A-11 (Butchibabu Gorantla)** submitted IA No. 79/2025 dated 19.04.2025, stating that during the investigation, two mobile phones belonging to the applicant/accused were seized, and the Investigating Agency has selectively relied upon certain WhatsApp messages extracted from those phones while overlooking and concealing others. It is indicated in the application that five charge sheets have been filed, including one main charge sheet and four supplementary charge sheets filed between 25.11.2022 and 29.07.2024, collectively exceeding 40,000 pages, yet the entirety of WhatsApp chat conversations is not included. The application mentions that on 18.04.2023, the CBI wrote to the Director CFSL, New Delhi, requesting the complete data

from the applicant's mobile phones. The applicant is seeking a cloned copy of the digital evidence obtained from these phones.

**6.1.** The CBI has not responded in writing to this application but referred the Court to the ordersheets dated 12.02.2025, 18.02.2025, 19.02.2025, and 21.03.2025, asserting that the Court had ordered that no further applications under Section 207 Cr.P.C. would be entertained. However, during the arguments, the learned Special PP stated that once the mirror copy of the applicant's electronic device is received from CFSL, it will indeed be provided to the accused, as this electronic evidence is relied upon by the prosecution.

**6.2.** **As the Investigating Agency is awaiting receipt of the mirror copy from CFSL concerning the applicant's two mobile phones, which will be supplied to the applicant upon receipt, this application from A-11 is rendered moot and is hereby disposed of.**

**7.** **A-12 (Rajesh Joshi)** has submitted IA No. 68/2025 dated 11.02.2025, asserting that various documents relied upon by the prosecution in the main charge sheet and supplementary charge sheets are missing. A-12 has provided a tabulated chart in paragraph 8 of his application, claiming that these missing documents should be supplied. In paragraph 10 of the application, A-12 states that he is still reviewing the charge sheet and reserves the right to seek appropriate remedies after his review.

**7.1.** The CBI has replied to this application, indicating the existence of these documents and confirming their prior supply to the accused, addressing each point raised in response to A-12's tabulated information. The CBI also points out that by order dated 19.01.2024, the Court established that no application under Section 207 Cr.P.C. for this accused would be entertained; nonetheless, the current application was filed on 11.02.2025, just a day before the scheduled

hearing, which was claimed to be intentional, to delay the trial. It was also pointed that certain documents had previously been requested by the applicant, to which the CBI appropriately responded, but the applicant continues to submit repeated applications.

- 7.2. Following the CBI's reply, applicant A-12 filed a tabulated response showing which deficiencies have been addressed and which remain outstanding according to the applicant.
- 7.3. In response to this rejoinder, the CBI submitted a status report dated 28.03.2025, indicating that even the unresolved items listed in A-12's original application have already been addressed, as reflected in the tabulated information in the status report.
- 7.4. After reviewing the identified deficiencies and the CBI's corresponding responses, it is clear that the documents claimed to be missing by A-12 have already been provided. The CBI has detailed the file number and page number of the documents provided to the applicant. The only remaining matter pertains to certain notices/communications that the CBI did not include in the relied-upon documents or URDs, stating that these documents are part of the case diary and are not relied upon, hence cannot be requested by the accused, which has already been decided in para 2.
- 7.5. As previously mentioned, except for the documents claimed by the CBI to be part of the case diary and unrelieved upon, all other documents sought by A-12 have been supplied. Consequently, A-12's application is disposed of.
- 7.6. The CBI shall prepare an additional list of unrelieved documents adhering to the directions outlined in this order and file the same with the Court, concurrently supplying copies of that list to the accused persons.

- 7.7. Regarding the digital documents/devices requested by the accused individuals, the CBI asserts that the device is currently with CFSL for the creation of mirror copies, and once received, it shall be supplied to the respective accused.
- 7.8. Thus, nothing further remains in A-12's application, which is also disposed of.
8. **A-18 (Arvind Kejriwal)** has submitted an application dated 18.02.2025 seeking the supply of certain documents referred to by witnesses during the investigation, contending that the CBI has relied upon witness statements, yet the documents either displayed to these witnesses or otherwise obtained by CBI have not been supplied to the accused. Additionally, A-18 claims various other documents are not provided, as outlined in paragraphs 4.1 to 4.8 of the application.
- 8.1. A-18 further cites the cases of *P L Shah Vs. State of Gujarat 1982 CRL.L.J 763*; *Dharamvir Vs. CBI (Del) 2008 (2) JCC 945*; *Shakuntala Vs. State of Delhi 139 (2007) DLT 178*; *Zahira Sheikh, 2004 CRL. L.J. 2050*; *V. K. Sasikala Vs. State (2012) 9 SCC 771* and *Nilesh Jain Vs. State of Rajasthan 2006 CRL.L.J. 2151*.
- 8.2. In response, the CBI argues that despite repeated directives from the learned predecessor Court for the accused to complete their document review and submit appropriate applications by 15.02.2025, A-18's application was filed on 18.02.2025, ostensibly to delay the proceedings. The CBI contends that substantial compliance with Section 207 Cr.P.C. has already occurred.
- 8.3. Regarding the documents specified by applicant A-12 in paragraphs 4.1 to 4.8, an itemized reply in a tabulated format has been provided, specifying in which section of the relied-upon documents the requested documents exist, and to which URDs those documents belong. This is in addition to

documents/notices/letters claimed to form part of the case diary, which have already been addressed by this Court.

- 8.4. A-18's assertion that certain documents should have been the relied-upon documents but are included in the URDs cannot aid the accused, as it is the Investigating Agency's prerogative to determine which documents to rely upon and which to exclude. Should the accused contend that such unrelayed documents are beneficial, he may pursue appropriate remedies during trial, after the charges are determined.
- 8.5. Since this Court has already ruled that notices/letters/communications sent to third parties and responses and documents received must be included in the URD list if not relied upon by the prosecution, and as the CBI has indicated where certain documents exist in the URDs or have already been supplied, A-18's application also stands resolved and is likewise disposed of.
9. **A-21 (Vinod Chauhan)** submitted four applications dated 28.11.2024, 24.01.2025, 24.01.2025, and 30.03.2025.
  - 9.1. During the arguments, the counsel for this accused indicated that the request in the application dated 28.11.2024 has already been fulfilled and should be treated as resolved.
  - 9.2. Focusing on the remaining three applications, in the *first application dated 24.01.2025*, the accused asserts that certain documents referenced in paragraph 2 of the application, from the fourth supplementary charge sheet, have not been supplied, and the documents mentioned in paragraph 3 contain incorrect details/reference numbers. Additionally, paragraph 4 of the application requests that statements from accused individuals, if not relied upon by the prosecution, should be included in the list of URDs, but are currently omitted.

Consequently, A-21 seeks a supply of copies referenced in paragraph 2 and clarification regarding the documents cited in paragraphs 3 and 4.

- 9.3. The Investigating Agency has filed a reply and supplementary response to this application, detailing where the requested documents, apart from those in the case diaries, can be located.
- 9.4. However, the applicant indicated in his response dated 12.02.2025 that the CBI's replies still fail to address the email attachments and related documents.
- 9.5. The CBI's response regarding documents believed to be part of the case diary has been previously resolved and need not be revisited here.
- 9.6. During arguments, Ld. SPP for the State claimed that whatever e-mail attachments were received by CBI during investigation have already been supplied to the accused persons and no other attachments to the e-mails were received by CBI, and also it cannot be expected from CBI to point out to each of the accused as to where the attachment of e-mails can be located in the documents already supplied to the accused.
- 9.7. It should be noted that some other documents were not pressed by A-21, as mentioned in A-21's response.
- 9.8. The *second application of A-21* is again dated 24.01.2025. It asserts that, per earlier applications of A-21, the Court had issued directives to the Investigating Agency to provide all documents, yet certain documents referenced in paragraph 3 are still pending supply.
- 9.9. In response, the CBI provided a reply dated 31.01.2025, indicating where the relevant documents are within the case file that have already been supplied to the accused.
- 9.10. In its supplementary reply dated 06.02.2025, CBI stated that the documents/digital device sent to the FSL are awaited, and as soon as they are

received, they will be presented in court, and the accused will be provided with copies.

- 9.11. In reply to both CBI responses, A-21 provided a response dated 12.02.2025, stating that various email attachments cannot be located, and other documents remain unsupplied. It is also claimed that the applicant has been unable to locate email attachments despite diligent efforts, as the included file referenced by CBI consists of several hundred pages.
- 9.12. During arguments, as mentioned above, it was clarified by Ld. Senior Counsel/SPP for CBI, that whatever attachments to the emails/files were received by CBI, they have been supplied, and no other attachments were received by CBI, besides the one already supplied.
- 9.13. It is also claimed that so far as the HDD containing the dump e-mail account of Vijay Nair is concerned, although the HDD is claimed to have been sent to FSL but the Investigating Agency copied the data for investigation purposes. In this very order, it is being directed that a copy of the relied upon digital documents shall be supplied to the accused persons, which will take care of the copy relating to the relied upon digital documents. No purpose is going to be served by directing CBI to give a copy to copy of the digital data retained by CBI for investigation, as even in that eventuality, the accused persons would demand a mirror copy of the main device, and it would then be merely duplicating the work.
- 9.14. Concerning the accused's difficulty in locating attachments, it is not feasible to expect the Investigating Agency to assist each accused in pinpointing the exact locations of attachments within extensive documentation. Given the complexity of this case, with numerous accused and voluminous records, there must be a limit to such requests. **Still, as a one-time measure, it is directed that CBI to indicate A-21 as to the location of the attachments to emails**



**within the documents already supplied to A-21 or in the list of URDs.** It was also clarified by CBI that the attachments to many such emails were not received by CBI, and whatsoever attachments/documents were received have been duly supplied.

**9.15. Accordingly, A-21's both applications, dated 24.01.2025, are also resolved.**

**9.16.** Regarding the *third application* of A-21 filed on 01.04.2025 (dated 30.03.2025), the accused claims that some statements of the cited witnesses were recorded by the CBI but are neither relied upon nor listed in the URDs. The applicant has detailed in a table in paragraph 4 the names and witness numbers to indicate that specific earlier statements of these witnesses are neither relied upon nor unrelieved upon.

**9.17.** In response, the CBI maintains that multiple statements from witnesses were recorded during the investigation, and the alleged missing statements were included in comprehensive statements presented before the Court, while prior statements were retained as part of the case diary. It argues that the Investigating Agency should be permitted to selectively present the most complete account of each witness before the Court. The CBI asserts that if the Court orders the inclusion of missing statements, it would comply by filing them and supplying copies to the accused.

**9.18.** The CBI aims to present a situation where, if multiple statements of witnesses were recorded, it should be permitted to provide only the final comprehensive statement rather than previous statements. This position of the CBI is untenable, as when an agency decides to record witness statements, it must supply copies of all such statements, with exceptions only if they are not relied upon by the Investigating Agency or if exempted under Section 173(6) of Cr.P.C. Having not invoked Section 173(6), the CBI cannot argue that the

agency should pick and choose which witness statements to submit and rely, and which to keep excluded from the RDs as well as URDs.

**9.19. In light of this contention, it is directed that the CBI decide within 15 working days whether it will provide copies of any such witness statements that have not yet been supplied to the accused, and if so, those must be supplied. If the CBI chooses not to rely on those statements, they must be included in the URD. The IO shall file an affidavit confirming compliance with this directive that no further witness statements examined by the CBI remain unmentioned in the relied-upon documents or URDs.**

**9.20. With that directive, A-21's last application is also resolved**

**10. A-22 (Ashish Mathur)** has also submitted three applications dated 28.11.2024, 24.01.2025, and 24.01.2025.

**10.1.** In the *application dated 28.11.2024*, this applicant claims that from the third supplementary charge sheet, the documents listed in paragraph 2 of the application have not been supplied or are deficient.

**10.2.** During arguments, counsel for this applicant stated that only the subsequent two applications dated 24.01.2025 should be considered, and the application dated 28.11.2024 should be disregarded by the Court.

**10.3.** In the *application dated 24.01.2025*, A-22 points out that certain documents/pages from the fourth supplementary charge sheet are still lacking, as detailed in paragraph 3 of the application.

**10.4.** In response, CBI has mentioned that most of the documents sought in this application form part of the case diary and therefore cannot be supplied, which question has already been answered above against CBI and regarding which appropriate directions are passed in this order.

- 10.5.** Qua the hard disk drive, it is claimed that the original hard disk drive is with ED and the relevant extract of the hard disk drive is already filed, and a copy supplied to the accused.
- 10.6.** Qua document at serial no. 4, another copy has been given to the accused.
- 10.7.** In supplementary reply CBI has mentioned that the accused is also an accused in another case instituted by ED, where the digital device has been seized and the accused may obtain the copy in the case of ED and in the present matter only copy of data was received from ED, out of which relevant material is filed.
- 10.8.** Therefore, nothing survives in this application of A-22, and it is accordingly **disposed of.**
- 10.9.** In the *2<sup>nd</sup> application dated 24.01.2025*, A-22 informs that, qua the documents supplied pertaining to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> supplementary chargesheets, certain documents are yet to be supplied as detailed in para 4, 5 & 6 of the application.
- 10.10.** In response, CBI informs as to in which part of the file the desired documents exist as already supplied to the accused; that the digital device has been sent to FSL, and as soon as it is received, it shall be filed on record and its copy shall be supplied. Qua the 2<sup>nd</sup> and 3<sup>rd</sup> supplementary charge sheet, another copy of the CD has also been supplied.
- 10.11.** Therefore, nothing remains outstanding in A-22's application, which is **disposed of accordingly.**

**11. In conclusion, the following directions are issued:**

- 11.1.** All notices under Section 91/160 Cr.P.C. and written communications sent by CBI to others, including witnesses and accused, and all written communications/documents received by CBI concerning those notices/written communications, must be included in the list of URDs if CBI does not intend

to rely on them in this trial. This list should be filed in Court, and copies of the list of such URDs must be supplied to all accused. The accused will have the opportunity to inspect the documents of this list promptly. It is clarified that the inspection of unrelayed documents by the accused does not hinder this Court from proceeding to hear arguments on charge, as the accused cannot rely on any unrelayed document at this stage. (*Reliance; Sarla Gupta (supra) and Devender Nath Padhi (supra)*). Along with the list, the Investigating Officer (IO) shall file an affidavit confirming that no other such notice/communication/document is omitted from the relayed-upon documents or the URD.

- 11.2.** CBI to also include the statements of those witnesses/persons, as mentioned in para 4 of this order, in the URDs list, if they have not already been incorporated. If they are already included, the accused shall be informed of their serial number in the URD list, and the Investigating Officer (IO) shall file an affidavit confirming that no statement from any of those four persons is omitted from the relayed-upon documents or the URD.
- 11.3.** Concerning the search and seizure memos claimed not to be listed in the relayed-upon documents or URDs, as mentioned in para 5 of this order, the IO is directed to file an affidavit detailing if any such search and seizure memos have not been included in the URD list. If any such search and seizure memos are missing from the URD list, they are to be added. Conversely, if the CBI asserts that there are no search and seizure memos beyond those already incorporated, an affidavit to that effect must also be filed.
- 11.4.** It is directed that the CBI decide within 4 weeks whether it will provide copies of any such witness statements that have not yet been supplied to the accused, as mentioned in para 9 of this order, and if so, those must be supplied. If the CBI chooses not to rely on those statements, they must be included in the list

of URDs. The IO shall file an affidavit confirming compliance with this directive that no further witness statements examined by the CBI remain unmentioned in the relied-upon documents or URDs.

- 11.5.** Since the relied upon digital device(s) are with the FSL for mirror copy preparation and other analysis, once received by the CBI, they must be filed in Court, and copies should be given to each accused, taking care of privacy issues, if any, and thereafter the Court shall continue with the hearing on the point of charge.
- 11.6.** The direction contained in Para 9.14 also must be complied with by the CBI, qua A-21.
- 11.7.** Given the ample time provided for the accused to scrutinize the documents already supplied and to inspect unrelayed documents, the earlier Court explicitly directed completion by the stated date, thus, no further applications for deficient copies of already supplied documents will be entertained going forward. After the supply of digital device data, only one opportunity will be given for the accused to review the digital copy, after which the matter will proceed for charge arguments.
- 11.8.** Those accused who have not yet completed their inspection of the unrelayed documents should do so expeditiously, as such inspections cannot be at the accused's leisure, to prevent hindrance to a speedy trial.
- 11.9.** Regarding the URDs list required under this order pertaining to notices/communications/documents/statements, as indicated above, a reasonable period will be allotted for the accused to complete their inspection.
- 11.10.** With the directions previously stated, all applications have been disposed of, including CBI's application dated 22.04.2025 for a speedy trial. As the CBI must provide copies of relied-upon digital data currently with CFSL, this Court

cannot yet hear arguments on charge, given that all relied-upon documents must be available to the accused before charges.

**11.11.** It is reiterated, no further scrutiny applications shall be accepted qua the documents already supplied. It may be noted that A-7 was supplied a copy of the main charge sheet on 03.01.2023, supplementary charge sheet no.1 on 06.07.2023, and copies of supplementary no. 2 to 4 on 10.01.2025. Consequently, A-7 has already filed six applications. Similarly, A-9 received copies of the main charge sheet and supplementary no.1 on 06.07.2023 and additional copies of supplementary no. 2 to 4 on 10.01.2025, leading to five applications from A-9. A-11 was supplied the main charge sheet and supplementary no.1 on 06.07.2023, and copies of supplementary no. 2 to 4 on 10.01.2025, resulting in five applications. A-12 was provided with the main charge sheet and supplementary no.1 on 13.12.2024, copies of supplementary no. 2 on 22.08.2023, and copies of supplementary no. 3 and 4 on 10.01.2025, culminating in three applications. A-18 received copies of the main charge sheet and supplementary no.1 on 13.12.2024, and supplementary no. 2 and 3 on 10.01.2025 and supplementary no.4 on 11.09.2024, leading to two applications from A-18. A-21 received copies of the main charge sheet and supplementary no.1 on 13.12.2024, and supplementary nos. 2 and 3 on 10.01.2025 and no.4 on 11.09.2024, producing five applications. A-22 was supplied with the main charge sheet and supplementary no.1 on 13.12.2024, as well as supplementary no. 2 and 3 on 10.01.2025 and supplementary no.4 on 11.09.2024, totaling five applications.

**11.12.** Finally, it should be noted that in the order dated 19.01.2024, the learned predecessor Court documented that no further applications under Section 207 would be entertained on behalf of the accused; thus, any further submissions of deficient copies will not be accepted. It cannot be emphasized enough that

ongoing inspections of URDs by the accused do not obstruct the charge arguments, as the accused can inspect those URDs but cannot rely on any at this stage. The accused persons are free to seek appropriate remedies during the trial qua URDs.

- 11.13.** Arguments on charges will now proceed once the relied-upon digital evidence copy and the list of URDs are supplied to the accused individuals, as indicated above.

***Announced in open Court  
On the 22<sup>nd</sup> day of May 2025***

**DIG VINAY SINGH  
Special Judge (PC Act)  
CBI-09, (MPs-MLAs Cases),  
Rouse Avenue Court, New Delhi**