

CNR No. **DLCT11-001086-2019**

Case No. : **SC/16/2019**

RC No. : 217-2013-A-0003

Branch : CBI/AC-II/New Delhi

U/S : 120B r/w 420 IPC and Sec 7, 8, 9, 12 & 13(2) r/w
13(1) (d) of P.C. Act, 1988.

CBI v. S. P. Tyagi & Ors.

07.11.2022.

Present: Shri Manu Mishra, Ms. Shreya Dutt and Ms. Arunima Nair, Ld. proxy counsels for Shri D. P. Singh, Ld. Special PP for CBI.

Shri Akshat Bajpai and Ms. Ishanee Sharma and Shri Shobhit Trehan, Ld. Counsels for applicant/accused No.30, Air Commodore Navayath Santosh, applicant/accused No.31, Air Commodore Sanjay Anand Kunte and applicant/accused no. 32, WG. CDR. Thomas Mathew.

File taken up today on an application filed by applicant/accused Nos. 30, 31 & 32 for permission to inspect copies of certain unrelied statements of witnesses.

Ld. Counsel for the accused submits that applicants/accused persons have been named as accused persons in the second supplementary chargesheet and have been provided electronic records of the chargesheet, first and second supplementary chargesheet, list of unrelied documents and list of unrelied Statements of witnesses, which were stored on compact disks and on external hard disk. It is further submitted that list of unrelied documents and

list of unrelieved Statement of Witnesses was filed on 06.05.2022. It is submitted that inspection of Statement of Witnesses, as mentioned in the in para no. 4 of the application are necessary to demonstrate their relevance so that that he can seek copies of relevant documents. It is submitted that counsel for the applicant may be permitted to inspect the statements of unrelieved witnesses.

On the other hand, Ld. PP for CBI submits that accused may not be allowed to inspect the documents. There are large number of accused in the present matter. If accused persons are allowed to inspect the unrelieved Statement of witnesses, great inconvenience will be caused to CBI.

I have gone through the material on record.

Ld. Counsel for the accused wants to inspect unrelieved statement of witnesses to find out if the same are relevant to their defence or are of sterling quality to demolish the case of prosecution and if the Statements of Witnesses are relevant to their defence or are of sterling quality, he may seek copies/production of these statements.

Considering the facts and circumstances of the case, counsel for the accused is allowed to inspect the unrelieved statement of witnesses. CBI is directed to make necessary arrangements for inspection in Malkhana or at any place suitable to them and date and time may be fixed as per their convenience.

Ld. Counsel for the accused shall co-ordinate with IO in fixing the date and time of inspection. The CBI shall depute some official who shall facilitate the inspection of the files.

Application filed by accused no. 30, 31 & 32 is thus disposed of.

Copy of the order be given dasti to the CBI as well as counsel for the accused.

(ARVIND KUMAR)
Special Judge (PC Act) (CBI)-10
Rouse Avenue Courts Complex
New Delhi/07.11.2022.(PK)