

CA No. 151/2019
S.S. Duggal Vs. CBI

13.10.2025

Present: Sh. Amit Khanna, Ld. Counsel for appellant alongwith appellant in person.
Sh. Shekhar Gehlot, Ld. PP for respondent/CBI alongwith Insp. Ravi Raj Khatik in person.

SP Dr. Gaurav Mittal from CBI had appeared on the last date who sought some time to submit about availability of said documents either in the record of the Court or in the Malkhana. However he has not appeared today to submit about the same before the present Court.

It is **admitted** fact between both the parties that the said documents did not form part of the chargesheet at the time of filing of chargesheet. It is also submitted by the ld. PP for the CBI that **no order** is available on record **regarding taking of documents of PW-9** exhibited in his evidence vide which the said documents **Ex.PW9/1 to Ex.PW9/5 were taken on record**. Hence the respondent/CBI has failed to show if the said documents at any time during the course of the proceeding were filed by them before the present Court/ld. Trial Court.

Ld. Counsel for appellant submits that the documents

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recorded were already exhibited in evidence of PW-11 dated 28.07.1999. Vide order dated 25.02.1999 PW-7, PW-8 and PW-9 were examined and PW-9 was not cross-examined by the appellant/accused. However the **order dated 25.02.1999** when the evidence of PW-9 was recorded **it does not find mention in the order sheet that the documents were taken from PW-9 on that day.**

Ld. PP for CBI has submitted that the said documents Ex.PW9/1 to Ex.PW9/5 were sent for GEQD examination and therefore the same found mention in the evidence of PW-11 dated 28.07.1999. It is asked from the ld. PP for CBI to show on record the **seizure memo** of the said documents Ex.PW9/1 to Ex.PW9/5 as obtained from PW-9 Sh. Prakash Gupta. Ld. PP for CBI **has failed to show that any seizure memo in above respect.** Since there is no evidence of seizure memo of said documents, hence the said documents cannot be sent for GEQD opinion.

In such view of the matter let PW-9 be summoned for the next date to submit that whether the said documents were seized from him by CBI alongwith receipt of seizing the said documents from him which are Ex.PW9/1 to Ex.PW9/5.

Ld. PP for CBI has failed to show if he had taken any permission of the Court subsequently to place the said documents on record. It is also submitted by ld. PP for CBI that the said documents are not traceable with them. It is claimed that the said documents when exhibited were taken on record by ld. Trial Court. However the

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taking of said documents is not recorded in the order sheet of that day.
Therefore submission of ld. PP cannot be accepted at this stage.

CBI may also submit report on the next date regarding
PW-11 if the said documents are available with him till today.

Put up for further hearing on **30.10.2025**.

(JOGINDER PRAKASH NAHAR)
Additional Sessions Judge (FTC-01)
Tis Hazari Court/Delhi/13.10.2025