

CC No. 27/2022

CBI v. iSec Services Pvt. Ltd. & ors.

CNR No. DLCT11-

09.9.2024

Present: Sh. Naveen Kumar Matta, Ld. Special Public Prosecutor for the ED alongwith Md. Faizan Khan, Advocate.

Accused Sanjay Pandey on bail also for accused iSec Services Pvt. Ltd.

Accused Chitra Ramkrishna present through video conferencing. Sh. Shivam Batra, Ld. Counsel for the accused.

Accused Ravi Narain is absent. Sh. Adit S. Pujari, Ld. Counsel for the accused through video conferencing and Ms. Mantika Vohra, Ld. Counsel physically present.

An application seeking exemption from personal appearance has been moved on behalf of accused Ravi Narain. Heard & allowed.

Rejoinder filed to the reply of ED dated 01.8.2024 to the application dated 30.4.2024 for providing copy of ECIR has been filed. Same be taken on record.

Arguments heard on the said application.

I have considered the application, the reply as well as the rejoinder.

The entire basis of the present prosecution is the ECIR, copy of which is sought vide the said application and I find no justifiable reason, no rational why the ED is shying away from supplying the same to the accused. As far as **Vijay**

Madanlal Choudhary is concerned, which has been relied upon by the ED to oppose the application, in my considered opinion, now that the investigation is over, the prosecution complaint/ED complaint already filed, no prejudice would be caused to the ED, if the copy of the ECIR is supplied to the accused. The investigation being long over, supplying of the copy of the ECIR would in no manner effect the ED's case. Rather if the copy of the ECIR which is the foundational basis of the present complaint/prosecution is not supplied to the accused, serious prejudice would be caused to him. The accused has a right to seek all material documents so as to enable him to put forth his best defence. The accused cannot be expected to defend himself when he is not aware of, is not having all the relevant material which is relied upon by the adverse party or which has formed the basis of the complaint/prosecution against him. Holding otherwise would not only render the trial unfair but would also defeats the end of justice. The purpose of any trial is to unearth the truth and for trial to be fair, the contesting parties should be put on the same footing/pedestal. Accordingly, the application is allowed. Let the copy of the ECIR be supplied to the accused within a week. Application dated 30.4.2024 stands allowed.

Part arguments on application dated 24.5.2023 heard.

As far as prayer "C" of the said application is concerned, accused Sanjay Pandey claims that he was not provided with the grounds of arrest at the time of his arrest whereas, it is submitted by Ld. Special PP for the ED that the

same was duly supplied to the accused at the time of his arrest and mandatory provision of Section 19 of the Act was duly complied with. Suffice would be to say that to put the entire controversy at rest, ED is directed to supply afresh copy of the grounds to arrest, reasons to believe within one week.

It is submitted by the parties that the quashing petition is pending before the Hon'ble Delhi High Court for 04.11.2024.

Put up for arguments on all the pending applications as well as arguments on the point of charge on 20.11.2024.

**(GAURAV RAO)
SPECIAL JUDGE (PC ACT) (CBI)
ROUSE AVENUE DISTRICT COURTS
NEW DELHI/09.9.2024**