

**CNR No. : DLCT11-000083-2021**

Case No. : CBI 14/2021

FIR No. : RC DAI 2015-A-0036

U/Sec. : 13(2) r/w 13(1)(e) of PC Act.

Branch : CBI/ACB/New Delhi.

**CBI v. Nalin Kumar**

**10.10.2022.**

Present: Ms. Jyoti Solanki, Ld. PP for CBI.

Accused Nalin Kumar is **absent**.

Ms. Tusharika Matoo, Ld. Counsel for accused.

Ld. Counsel for accused has filed an application for exemption from personal appearance of accused for today.

Heard.

In view of the reasons mentioned in the application and the submission made by the counsel for accused, the accused is **exempted** from **personal appearance** for **today** only.

Ld. Counsel for accused filed an application in compliance of order dated 03.09.2022 upon return from travel to Singapore.

Same is taken on record.

CBI filed reply to the application under section 91 Cr. PC

dated 15.09.2022 filed by the accused for summoning certain unrelieved documents.

Ld. Counsel for accused has filed an application under section 91 Cr.PC for summoning of certain additional documents not relied upon by CBI in addition to earlier application filed on 15.09.2022.

Copy of the application is supplied to Ld. PP, CBI.

Arguments heard on both the applications under section 91 Cr.PC, filed by accused.

Ld. counsel for the applicant/accused submits that by way of present applications, the applicant/accused has sought summoning of certain documents recovered during the course of investigation and are in possession of CBI but have not been made part of the final report under section 173 Cr.PC. It is further submitted that applicant/accused has sought list of unrelieved documents and statements and pursuant to which this court directed the CBI to place on record the such list of unrelieved documents and on 08.04.2022, CBI placed on record the list of unrelieved documents and statements obtained during the course of investigation. It is further submitted that applicant/accused was allowed to inspect the documents.

It is further submitted that on inspection of the documents and statements, the applicant/accused found certain documents/statements, as mentioned in para 3 of the application filed on 15.09.2022 and documents listed at Serial No.81 of list of unrelieved documents and statement of unrelieved witness as appearing at Serial No.31 in list of unrelieved witnesses, relevant to the accused and have bearing on the case of the prosecution and make out a case for discharge of the accused. Ld. counsel for the applicants/accused further submitted that these unrelieved documents/statements are essential to the defence of the accused.

It is submitted that prosecuting agency may be directed to produce the unrelieved documents/statements, as mentioned in both the applications filed by applicant/accused.

Ld. counsel for CBI submits that list of unrelieved documents and statements of witnesses are neither relevant to the case nor required for the defence of the accused and has no crucial bearing on the issue of framing of charge as the documents are not of sterling quality. It is submitted that applicant/accused has already inspected the unrelieved documents and statements of witnesses and may summon the documents at

the appropriate stage. It is submitted that the application deserves to be dismissed.

I have gone through the material on record.

Accused seeks production of unrelieved documents/ statement, as mentioned in his applications, which are stated to be relevant to his case and he wants to refer these documents during arguments on the point of charge. The documents, as mentioned by the accused in the application, are connected to the accused and are stated to be relevant for his defence. Ld. counsel for accused explained the relevancy of these documents.

Thus, in view of the facts and circumstances of the case, CBI is directed to produce the unrelieved documents/statements, as mentioned in para No.3 of the application dated 15.09.2022 filed by applicant/accused and the document listed at Serial No.81 of list of unrelieved documents and statement of unrelieved witness as appearing at Serial No.31 in the list of unrelieved witnesses. The aforesaid documents be produced by CBI **by 28.10.2022**. Further, it is made clear that whether these documents are of sterling quality or not, shall be considered while hearing arguments on the point of charge.

Accordingly, both the applications filed by the applicant/  
accused are disposed of.

Put up on **15.11.2022** for **arguments on the point of  
charge.**

**(ARVIND KUMAR)**  
Special Judge (PC Act) (CBI)-10  
Rouse Avenue Courts Complex  
New Delhi/10.10.2022.(pk)