

**IN THE COURT OF SPECIAL JUDGE:
PC ACT (CBI) - 04, ROUSE AVENUE DISTRICT COURTS,
NEW DELHI.**

IA-6/2026

**CBI No. 34/2022 (CNR No. DLCT11-000254-2022)
CBI Vs. Saurav Kumar Sharma**

**RC No DAI-2021-A-0024 PS CBI/ACB/ND
U/s 13 (2) r/w 13 (1) (b) PC Act**

25.03.2026

Present : Sh. Naveen Kumar & Sh. Abhishek Mahal, Ld.
counsel for applicant/accused.

Sh. Hari Mohan, Ld. Sr. Public Prosecutor for
CBI /non-applicant.

IO/Inspector Ravinder Bharti.

This order shall disposed off the present application
(**IA No.6/2026**) already moved by accused/applicant under
Section 94 r/w 348 BNSS 2023 (91 r/w 311 Cr.P.C).

ORDER

1. It is, inter alia, pleaded in the application that
20.02.2026 IO/PW-23 Ravinder Kumar Bharti was examined and
during his cross-examination, he expressed his inability to depose
about the documents mentioned in search list dated 01.07.2021
collected during the search conducted at the residence of Komal
Prasad Sharma at House No. C-45, Sector -44, Noida. He further
claimed that he can explain about the said documents seized

during the house-search only after going through the said documents.

1.1 It is further pleaded that the documents mentioned in Para-4 to 8 are important document which are required to be brought on record in order to unearth the true facts. Further, it is pleaded that PW-23/I.O during investigation vide notice dated 12.11.2021 to the accused asked him to provide the income details of his own as well as his family members. The applicant submitted two replies dated 12.11.2021 seeking clarification and further requiring 2-3 days time. Thereafter, the applicant provided point-wise clarification on 18.11.2021 to the I.O. But, the same has not been considered in the present case and a false chargesheet has been filed.

1.2 It is further pleaded that the search at the residence of Komal Prasad Sharma was on conducted on 01.07.2021 and certain documents were seized.

2. In support of the said application, it is argued by the applicant that as far as the documents referred in Para-4,5 and 6 are concerned, the same stands already filed on record in pursuance of the order of the Ld. Predecessor dated 23.02.2023. Therefore, he is only pressing his application qua the documents referred in Para-8. It is further stated that as far as the relevance of the said documents are concerned, it is argued that his defence concerns the alleged recovery effected from the residence of Komal Prasad Sharma which has been wrongly attributed to him. The documents seized during the house-search which includes

his rental income records as well as ITRs explains the availability of cash with him. All the said documents are therefore required to be put to the I.O so as to probablise his defence regarding the said recovery.

3. *Per contra*, in the reply CBI pleaded that a notice dated 12.11.2021 was issued to accused/applicant to provide his income details and family members in RC-DAI-2021-A-0024, CBI, ACB, Delhi. In response to said notice, accused/applicant submitted to replies dated 12.11.2021 seeking clarification and 2-3 days time to provide explanation and justification to the queries sought. The second reply dated 18.11.2021 filed by him was not found to be satisfactory. The accused filed the ITR after check period which appears to be an after-thought. The accused/applicant was given benefit of each and every justifiable and plausible explanation.

3.1 It is further pleaded that the documents as detailed in Para 6 (i) to (x) of the reply were seized in the search of Komal Prasad Sharma conducted on 01.07.2021.

3.2 As far as the documents seized during the house-search of residence of Komal Prasad Sharma are concerned, it is pleaded that the documents in question are Unrelied documents and Rs.9 lacs already stands returned to Komal Prasad Sharma vide order dated 01.08.2024. Further, it is pleaded that these documents are not necessary for the just decision in the present case. The defence of the accused is not relevant at this stage.

The money recovered from the house of Komal Prasad Sharma belongs to accused/applicant.

4. Ld. Sr. PP for CBI has also vehemently opposed the present application.

5. **Heard and considered.**

6. The request of the applicant is only confined to the documents seized during the search at the residence of Komal Prasad Sharma conducted on 01.07.2021 after the registration of the present case. It is the case of the Investigating Authority that the cash recovered from the residence of Komal Prasad Sharma at House No. C-45, Sector-44, Noida belonged to the accused/applicant being unaccounted one which has been cited as relied upon documents(RUD).

6.1 On the contrary, the defence of the accused is that the said cash has no connection with the accused/applicant and it is the property of Komal Prasad Sharma, who is his close relative. The documents now sought to be summoned vide search list dated 01.07.2021 are all part of Unrelied documents (URD).

7. The limited issue herein is the relevance of the said documents and as to whether if the said documents are allowed to be taken on record, whether the same will help the Court in reaching at the just conclusion in the case or not. The '*Principles of Fair Trial*' requires a complete and fair opportunity to be given to the accused for proving his defence. His defence concerns the rental income of Komal Prasad Sharma which he

wishes to put to I.O through the said unrelieved documents seized vide search list dated 01.07.2021. The opportunity, therefore, has to be given to the accused/applicant for putting the said documents to the Investigating Officer in the cross-examination so as to confront him qua its relevance and investigation conducted qua the same.

8. In view of the aforesaid reasons, **the application in hand is allowed. The documents as mentioned in Para-8 of the application except Point 'J' be filed on record by the CBI.**

The copy of the order be sent to CBI for compliance.

Compliance be done within 10 days of receipt of the order.

Announced in the open Court
on 25.03.2026

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue District Courts,
New Delhi