

CBI Vs. Pradeep Kumar Mishra & Ors.
FIR No. RC 2162021A0003
U/s 120B, 109 IPC
U/s 13(2) r/w 13(1)(e) of PC Act 1988.

02.12.2024

(Present proceedings have been conducted on Hybrid Mode)

Present : Shri Raj Kamal, Ld. PP for CBI.

Ms. Malvika Awasthi & Ms. Surabhi Vaya, Ld.
Counsels for both accused persons.

Both accused have appeared through VC.

This is an application U/s 207 Cr. P.C filed by accused persons. However, stage of U/s 207 Cr. P.C is already over as copy of charge sheet was supplied alongwith documents were supplied to accused persons on 20.09.2024 and for almost more than two months, no exercise was conducted by accused persons to apprise the court where there is any deficiency in documents and on last date of hearing i.e. 04.11.2024, this court closed the right of accused persons to scrutinize the documents and today matter is listed for arguments on charge. However, today present application U/s 207 Cr. P.C has been filed.

In this application, Ld. Counsel for applicants has submitted that there are certain documents which are dim, illegible, missing, cut or otherwise deficient documents mentioned in Annexure A-1. Number of such documents are stated to be 20. Apart from these documents there is another list of Notices/Letters/E-mails/Communications/Other documents mentioned in the record but not supplied. This court has orally put query to Ld. Defence counsel as to whether 67 documents mentioned in Annexure-A-2 are relied upon documents or not and she has been directed to apprise this court one by one regarding each document and show it from the charge sheet.

In response to query, she has tried to show documents

mentioned in Sl. No.1 & 2 and thereafter submitted that these documents i.e. mentioned at Sl. No.1 & 2 are not filed in court/relied upon but these documents are the documents which are either sent or collected by the IO during investigation.

It is settled law that by exercising power U/s 207 Cr. P.C, the court can only direct the prosecuting agency to supply only the relied upon documents. If any documents which are unrelayed documents, prosecuting agency cannot be called upon to supply the same and the court can only direct the prosecuting agency to file list of such documents. Further, Ld. Defence Counsel at an appropriate stage may if require, exercise appropriate provisions to summon those documents. There are 67 documents and only IO and prosecuting agency can answer whether these documents are relied upon or not.

Although, right U/s 207 Cr. P.C was closed by this court on last date of hearing, however, considering that this case is related to disproportionate assets case and entirely based upon the documents and also considering the number of documents mentioned in Annexure A-1 which are either illegible or dim in nature, one last opportunity is granted to prosecution to supply the documents mentioned within 15 days to the accused. Ld. Counsel for accused may contact the IO to get those 20 documents and IO/prosecuting agency is directed to file reply regarding documents mentioned in Annexure A-2 by next date of hearing with advance copy to Ld. Counsel.

In such circumstances, be listed on **17.12.2024**.

(ANKIT SINGLA)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/02.12.2024