

CBI/134/24
CNR No. DLCT11-000146-2024
RC No. DAI-2015-A0043/CBI/ACB/New Delhi
CBI v. Sanjay Pratap Singh & Ors.

21.01.2026

Present: Mr. Raj Kamal, Learned PP for CBI.
IO/Inspector Ravinder Kumar Bharti, through VC.
A-1 Sanjay Pratap Singh, A-2 Ms. Aparna Singh and
A-3 Ajay Kumar, through VC.
None for A-4 M/s Ultra Home Construction Pvt. Ltd.
Ld. Counsel Mr. Debopriyo Moulik for A-1 and A-2,
through VC.
Ld. Counsel Mr. Abhay Tripathi for A-3, through VC.

1. Arguments on multiple applications under section 207 of CrPC / section 230 of BNSS of A-1 Sanjay Pratap Singh and A-2 Aparna Singh were heard on 13.12.2025. Record perused. Details of the said applications are as under:

Sr. No.	Date of the application	Applicant	Remarks
1.	01.05.25	A-1 Sanjay Pratap Singh	Disposed of on 17.01.2026
2.	20.09.25	A-1 Sanjay Pratap Singh	Disposed of on 19.01.2026
3.	20.09.25	A-2 Aparna Singh	Disposed of on the date of the arguments itself i.e. 13.12.2025
4.	27.10.25	A-1 Sanjay Pratap Singh	--
5.	27.10.25	A-2 Aparna Singh	--

2. The fourth application dt. 27.10.2025 of A-1 Sanjay Pratap Singh under section 207 CrPC for supply of documents is being taken up for disposal. This application is a sequel to the application dt. 20.09.2025 of A-1 Sanjay Pratap Singh that was disposed of on 19.01.2026.

3. It is pertinent to mention here that in the application dt. 20.09.2025 (which was disposed of on 19.01.2026) A-1 Sanjay Pratap Singh had prayed for '*confirmation*' from CBI about issuance/receipt of five (05) documents. In its reply to the said application dt. 20.09.2025, CBI had provided document-wise '*confirmation*', either affirming or denying issuance and/or receipt of each of the five (05) documents. It is pertinent to note that, qua the fifth (5th) document, the CBI's response was that the Investigating Officer had *not* received the same. It is further pertinent to note that, as regards the first (1st) document, both parties, namely A-1 Sanjay Pratap Singh and the Investigating Officer, are in agreement that it had been returned by the Investigating Officer.

4. It is with respect to the very same five (05) documents that this application dt. 27.10.2025 has been filed. A-1 Sanjay Pratap Singh avers that the said five (05) documents find no mention in either the list of relied-upon documents or the list of unrelayed-upon documents, despite having been issued by the prosecuting agency and responses thereto having been addressed to it. He further states that he recently came across these documents while scrutinising his records of communications exchanged with the Investigating Officer.

5. The description of the said five (05) documents, together with CBI's document-wise response, as set out in its reply dt. 06.11.2025 to the instant application dt. 27.10.2025, is set out in tabular form as under:

Sr. No.	Description of documents	IO's response as set out in the reply dt. 06.11.2025
1.	Representation dated 26.12.2017 issued by the Applicant to Dy. Secretary Services, GNCTD which was forwarded to the CBI along with original postal receipt along with confirmation of forwarding of the same by the GNCTD and subsequent return due to technicalities.	The then IO had received an advanced copy of representation by post from accused SP Singh addressed to Dy. Secretary Services, GNCT of Delhi on 16.01.2018 and also the same duly forwarded by GNCT of Delhi vide their letter no. F.8/37/86/S.I/Pt.File-VI/35 dated 04.01.2018 enclosing several documents, which were un-paginated and uncertified by the accused applicant or by the GNCT of Delhi. <u>The same was returned to the GNCT of Delhi for providing paginated and certified copy of the same.</u>
2.	Representation dated 31.01.2018 issued by the Applicant to Dy. Secretary Services, GNCTD which was forwarded to the CBI in compliance with the requirements communicated to the GNCTD on 25.01.2018 along with proof of the same being forwarded by GNCTD.	This is the letter issued by the accused/applicant to Sh. Ashwani Kumar Mehta, Dy. Secretary Services, GNCTD, copy to IO in reference to letter no. F.8/37/86/S.I/Pt.File-VI/248 dated 25.01.2018 of GNCT of Delhi. Accused/applicant has mentioned that, now he is submitting duly signed copies and original is with accused/applicant.
3.	Letter dated 20.07.2018 issued by the Applicant to the CBI clarifying certain clerical errors in the Representation dated 26.12.2017.	This is the communication sent by accused applicant to IO.
4.	Notice dated 26.12.2019 bearing No. RC 43(A)/2016/DLI/14974 issued by CBI to the Applicant.	This is the communication made by IO to accused/applicant. <i>However, the accused has wrongly mentioned the case year in the application.</i>
5.	Letter dated 08.01.2020 issued by the Applicant to the CBI in response to Notice dated 26.12.2019 bearing No. RC 43(A)/2016/DLI/14974.	This letter was not received by the IO. <i>However, the accused has wrongly mentioned the case year in the application.</i>

6. The reliefs prayed for by A-1 Sanjay Pratap Singh in this application dt. 27.10.2025 are as under:

- a) Direct the CBI to provide the applicant with copies of the documents mentioned in Annexure A-1, if they form a part of relied upon documents,
- b) Alternatively, direct the CBI to provide the applicant with a better complete list of unrelieved upon documents.

7. In addition to the specific document-wise response as set out in the tabular form hereinabove, CBI states as follows in its reply dt. 06.11.2025. These documents are correspondences exchanged *inter se* A-1 Sanjay Pratap Singh and the Investigating Officer; that the only purpose of filing this application is to delay the trial, for on the previous dates it was admitted that compliance of section 207 CrPC was complete and no further documents were required by them. CBI seeks dismissal of this application.

8. Learned counsels for A-1 Sanjay Pratap Singh contended that, in light of the settled legal position as enunciated in several pronouncements of the Constitutional Courts, prosecution's documents can fall into only two distinct categories, namely, relied-upon documents and unrelieved-upon documents, and no third category is legally permissible. They further submitted that the law does not contemplate the existence of any third category of prosecutorial documents, such as a missing or mysterious set of documents. It was pointed out that, in the instant case, despite the Investigating Officer having admitted receipt of the aforesaid documents submitted by A-1 Sanjay Pratap Singh, the same have inexplicably not been placed in either the category of relied-upon documents or that of unrelieved-upon documents.

9. Learned Public Prosecutor for CBI vehemently opposed the present application. He contended that the documents in question

are irrelevant to the case and, in any event, copies thereof are already in possession of A-1 Sanjay Pratap Singh. He further submitted that the present application has been filed with the sole intent of protracting the proceedings and causing unwarranted delay in the matter.

10. It is this Court's considered view that learned counsels for Sanjay Pratap Singh (A-1) are correct in their submissions that the prosecutorial documents ought to fall in the category of either relied-upon documents or unrelieved-upon documents. There exists no legal basis for recognising a third category comprising so-called 'mysterious' or 'missing' documents, and any attempt to do so would run contrary to established legal principles. Arun Kumar Goenka v. CBI, 2024 SCC OnLine Del 310 is an authority for the proposition that it is Court's duty to ensure that the list of prosecution's unrelieved upon material is complete. It was a case where the Trial Court had ordered that it could not go into another inquiry by assuming that the prosecution may not have furnished the complete list of unrelieved upon documents. The High Court reversed this order of the Trial Court.

11. In view of the above, IO/HIO is hereby instructed to classify the following documents as 'additional unrelieved-upon documents'. The reason for placing them in this category is that the prosecution has never, at any stage, claimed or argued that it was relying on these documents for prosecuting the accused. Therefore, these documents cannot be considered as relied-upon and must instead be recorded as unrelieved-upon. The documents are:

- Document at Sr. No. 2 in the table set out above - Representation dated 31.01.2018 issued by A-1 Sanjay Pratap Singh to Dy. Secretary Services, GNCTD which was forwarded to CBI in compliance with the requirements communicated to GNCTD on 25.01.2018 along with proof of the same being forwarded by GNCTD.
- Document at Sr. No. 3 in the table set out above - Letter dated 20.07.2018 issued by A-1 Sanjay Pratap Singh to the CBI clarifying certain clerical errors in the Representation dated 26.12.2017.
- Document at Sr. No. 4 in the table set out above - Notice dated 26.12.2019 bearing No. RC 43(A)/2016/DLI/14974 issued by CBI to A-1 Sanjay Pratap Singh.
 Qua this document at Sr. No.4 in the table above, CBI in its reply states that the case year is wrongly mentioned in the application. IO/HIO shall mention the correct case year in the list 'additional unrelieved-upon documents'.

12. As already noted hereinabove, the document at serial no.1 in the table set out above, had been returned by the Investigating Officer, and both the sides agree on this. Consequently, this can be no unrelieved-upon document.

13. Further, it bears repetition to state that qua the document at serial no.5 in the table set out above, CBI's response is/was that the Investigating Officer had *not* received the same. In my order dt. 19.01.2026 I have already observed that at this stage of proceedings under section 207 CrPC, this Court does not deem it appropriate to embark upon a roving or detailed inquiry, much less a mini-trial, for the purpose of ascertaining or adjudicating upon the question as to whether this document had been received by the CBI. Inasmuch as the CBI states that it does not possess this document, this too can be no unrelieved-upon document.

14. The list of 'additional unrelieved-upon documents' shall be furnished to the Court as also to accused persons.

15. This application dt. 20.09.2025 of A-1 Sanjay Pratap Singh under section 207 CrPC is accordingly allowed.

16. Order on the fifth (5th) application dt. 27.10.2025 of A-2 Aparna Singh shall follow on 23.01.2026. Copy of this order be sent to IO/HIO for compliance.

(M. P. Singh)
Special Judge (PC Act) CBI-02
RACC/New Delhi/21.01.2026