

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

09.02.2026

Pr: 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.
Sh. Krishna Kant Gothwal, Learned Proxy counsel for A-1
and A-2, through VC.
Mr. Abhay Tripathi, Ld. Counsel for A-3, through VC.
None for A-4 M/s Ultra Home Construction Pvt. Ltd.

1. Arguments on the application dt. 02.05.2025 of A-3 Ajay Kumar under section 294 CrPC were heard on 04.02.2026. Record perused.

2. This is a case under section 109 of IPC read with sections 13 (2) and 13 (1) (e) of Prevention of Corruption Act, 1988 (as it stood on the statute book before its amendment in July 2018.). The allegation is that A-1 Sanjay Pratap Singh, a public servant, had acquired assets disproportionate to his known sources of income. It is also the allegation that his wife A-2 Aparna Singh, A-3 Ajay Kumar and A-4 M/s Ultra Home Constructions Pvt. Ltd. had abetted the commission of the said offence by A-1 Sanjay Pratap Singh.

3. It is relevant to note that, at the material time, A-3 Ajay Kumar was a Director of A-4 M/s Ultra Home Construction Pvt. Ltd.; however, according to A-3 Ajay Kumar, his directorship was limited to '*construction and coordination*' activities of the

company. It appears that A-4 M/s Ultra Home Construction Pvt. Ltd. was a unit of Amrapali Group of Companies.

4. By way of this application, applicant A-3 Ajay Kumar claims to bring on record two documents of '*sterling quality*', and which documents are:

- i) Relevant part of the Forensic Auditor's Report, apparently furnished to the Apex Court; and
- ii) Company Profile of Amrapali Group that was filed as part of chargesheet in FIR no. 178/2017 PS : EOW under sections 406/409/420/120B of IPC and trial whereof is *sub judice* before the Court of Learned Chief Judicial Magistrate, Shahdara District, Karkardooma Court, Delhi.

5. Applicant/A-3 Ajay Kumar avers in his application that these two documents shall be relevant and material for just and proper adjudication of this case and would throw light on the true facts of the instant case; that as the Court cannot consider these documents unless they are brought on record, therefore it is necessary to call upon the CBI to conduct their admission/denial; that no prejudice shall be caused to CBI in case it is asked to admit/deny these documents. On these averments, A-3 Ajay Kumar seeks the following reliefs in the application:

- i) allow the present application and call the prosecution and the investigating agency to admit or deny the documents mentioned hereinabove; and
- ii) pass any other order that this Court may deem fit and just in the facts and circumstances of the present case.

6. CBI in its reply states that the applicant/A-3 Ajay Kumar has furnished photocopies of two documents and that this application is not maintainable at this stage. CBI seeks dismissal of this application.

7. It was the submission of learned defence counsel Mr. Rajesh Anand that A-3 Ajay Kumar had appeared before the CBI only to furnish documents that were sought for by the CBI from M/s Ultra Home Construction Pvt. Ltd.; that any person from the company could have very well gone to the CBI office to hand over the documents sought for; that the CBI however malafidely dragged A-3 Ajay into this case as an accused. He submitted that A-3 Ajay has played no role whatsoever in the transactions concerning the present case. It was also his submission that this application is very much maintainable as section 294 of CrPC applies to the stage of *enquiry* as well. It was next his submission that A-3 Ajay was no doubt a Director of M/s Ultra Home Construction Pvt. Ltd., but he was the Director for '*construction and coordination*'. He argued that proof of A-3 Ajay's role as Director for '*construction and coordination*' lies in Forensic Auditor's Report, totalling about 12,000 pages, which was submitted before the Apex Court and the Company Profile and which two documents are of '*sterling quality*', and therefore deserve to be taken on record. It is thus that on behalf of A-3 Ajay Kumar it is prayed that this application be allowed and these two documents may be directed to be either admitted or denied by the prosecution under section 294 of CrPC.

8. On the other hand, it was the submission of Ld. PP for CBI that this application is not maintainable in the present form.

According to him, by way of this application A-3 Ajay Kumar is essentially trying to file and rely on documents at the stage of charge which he cannot do in terms of the reports of State of Orissa v. Debendra Nath Padhi, (2005) 1 SCC 568 and Dinesh Puri v. NCT of Delhi, 2016 SCC OnLine Del 5551. He stated that in these judgments it has been specifically held that at the stage of charge an accused cannot furnish any document and/or rely on the same on the anvil of section 91 of CrPC. He submitted that at this stage it is neither necessary nor desirable for the purposes of consideration on charge that these two documents be taken on record. He submitted that for arguments on charge it is only the prosecution case that has to be looked into and the documents sought to be relied upon by the defence are to be ignored. He sought dismissal of this application of A-3 Ajay Kumar.

9. Court findings are as under.

10. Having heard the submissions and perused the record, I see no basis to call upon the prosecution/the Investigating Officer to admit/deny the aforesaid two documents. In the present case, neither the CBI nor the Investigating Officer was the executant of the aforesaid two documents. The CBI/Investigating Officer was no witness to the execution of the said documents, nor is the CBI the author thereof. The forensic audit was not conducted by the CBI, and the CBI was neither associated with nor a witness to the audit process in any capacity. The CBI was entirely uninvolved with the said forensic audit. The CBI had no role whatsoever in the preparation of Forensic Auditor's Report. Similarly, the other document, namely the company profile of the Amrapali Group, is

no document of CBI. The CBI is neither its author nor was it involved in the preparation of the said company profile in any manner. In these circumstances, there exists no basis to call upon the prosecution or the Investigating Officer to admit or deny the aforesaid two documents.

11. The said two documents, particularly the Company Profile of Amrapali Group, would be within the special knowledge of applicant/A-3 Ajay Kumar. Asking the CBI to conduct admission/denial of these two documents would be of no consequence, as their veracity and the correctness of their contents will have, in any case, to be proved at the appropriate stage.

12. The submission that the aforesaid two documents are of '*sterling quality*' does not persuade this Court to adopt a different view. The determinative factor for calling upon a party to admit or deny a document is certainly not the perceived quality or probative value of the document.

13. In Nitya Dharmananda @ K. Lenin and Anr. v. Gopal Sheelum Reddy, (2018) 2 SCC 93 Apex Court has held that ordinarily Court has to proceed on the basis of material produced with the chargesheet for dealing with the issue of charge, but if Court is satisfied that there is material of '*sterling quality*' which has been withheld by investigator/prosecutor, Court is not debarred from summoning or relying upon the same, even if such document is not part of the charge sheet.

14. Suffice it to note that it is premature for this Court at this stage to hold: (a) that these two documents are indeed of '*sterling*

quality, and (b) that they surely will be taken into consideration at the stage of charge. The question as to whether or not they are of '*sterling quality*' will be examined at that stage, i.e. the point of charge, and at which point this Court will appropriately deal with the said documents one way or the other.

15. With the aforesaid observations, this application of A-3 Ajay Kumar stands disposed of.

16. List on 02.03.2026 for arguments on charge. Ld. PP for CBI will open his arguments on charge.

17. The date of 16.02.2026, as set out in the order dt. 17.01.2026 stands cancelled.

(M. P. Singh)
Special Judge (PC Act) CBI-02
RACC/New Delhi/09.02.2026