

CT Case No. 43/2025
u/s 44 and 45 of PMLA, 2002
ED v. Surender Kumar Bhandoria

(Present proceedings have been conducted on Hybrid Mode)

12.01.2026

Present : Sh. Atul Tripathi, Ld. Special PP for ED (through VC) with advocate Shubham Mishra (physically).
Naveen Kumar and Abhishek Mahal, Counsels for the proposed accused, both physically present.
Proposed accused Dr. Surender Kumar Bhandoria, physically present.

1. In this matter, copies of the relied upon documents already stands supplied to the proposed accused. The only remaining issue in the application of the proposed accused under section 230 of BNSS, that was filed on 17.12.2025, concerns supply of list of unrelieved upon documents and the unrelieved upon statements. Part arguments heard. Record perused.

2. Ld. Counsel Sh. Naveen Kumar has today relied on a judgment reported as Criminal Trial Guidelines regarding Inadequacies and Deficiencies, in Re, v. State of Andhra Pradesh & Ors., (2021) 10 SCC 598 to urge that the prosecution is bound to supply a list of the unrelieved upon documents and the unrelieved upon statements.

3. On the other hand, Ld. SPP for ED relies on a Apex Court judgment dt. 07.05.2025 in Sarla Gupta & Anr. v. Enforcement Directorate, (2025) 7 SCC 626 in support of his stand that at this stage of pre-cognizance hearing the ED is not bound to supply

list of the unrelieved upon documents and the unrelieved upon statements. It is the submission on ED's behalf that judgment relied upon by the proposed accused is not applicable at this stage for reasons more than one. Firstly, the said judgment was rendered, before the enactment of BNSS, 2023, under the Criminal Procedure Code, 1973. Secondly, this Court is still to take cognizance of the offence(s) and the stage of sections 230/231 of BNSS (corresponding to sections 207/208 CrPC) has not yet arrived.

4. Counsel Sh. Naveen Kumar distinguishes Sarla Gupta (*supra*) by contending that the aforesaid judgment relied upon by him today was one under Article 32 of the Constitution of India; that the prosecution ought to be fair and make a complete disclosure of all the relied upon material and along with a list of all the unrelieved upon material and supply the same to accused so that he (accused) is not hampered in making his submissions on the point of cognizance.

5. Arguments on this aspect shall continue on 27.01.2026.

(M. P. Singh)
Special Judge (PC Act) CBI-02
RACC/New Delhi/12.01.2026