

IA 1/2024

CBI Vs. M/s Green Valley Plywood Limited & Ors.

FIR No. RC.6(E)/2015/BDI/CBI/BS & FC/ New Delhi

U/s 120B IPC r/w 420,467,468,471 IPC &

Sec. 13(2) r/w 13(1)(d) of PC Act 1988

14.11.2024.

Present : Shri Raj Kamal, Ld. PP for CBI alongwith Inspector
Vikas Kumar Wadhwa.

Shri Vinay Sehrawat, Ld. Counsel for applicant.

1 Vide this order, I shall decide two applications filed by applicant Ajay Kapur seeking permission to obtain certified copies of charge-sheet, supplementary charge-sheet, list of witnesses and directions to the Judicial Assistant of the Copying Agency for compliance of order dated 19.09.2024 passed by the court.

2 It is submitted that applicant is one of the prosecution witness and his statement U/s 164 Cr. P.C. was recorded during course of investigation. On basis of his status as witness, the applicant has also claimed himself to be a party in the present case.

3 It is submitted that present case is a predicate offence for ED case No. CT No. 11/2020 titled "ED Vs. Jagmohan Kejriwal & Ors. and the applicant has been arrayed as an accused in that case on basis of his statement U/s 164 Cr. P.C. in the present case. It is submitted that a person who has been arrayed as witness by the State in a case cannot be made as an accused on same set of facts/allegations in another case. It is therefore submitted that applicant wants to file a Special Leave Petition

before the Hon'ble Supreme Court of India to challenge the case of ED making him an accused in ED Case bearing No. CT No. 11/2020 titled "ED Vs. Jagmohan Kejriwal & Ors. and for which, he requires certified copies of the charge-sheet, supplementary charge-sheet and list of witnesses filed alongwith the supplementary charge-sheet in the present case. Therefore, it is prayed that applicant may be allowed to obtain certified copies of the charge-sheet, supplementary charge-sheet and list of witnesses filed alongwith the supplementary charge-sheet in the present case.

4 Notice of this application was given to the prosecution and prosecution did not file any formal reply. However, Ld. PP CBI has orally submitted that CBI has no objection if both the applications are allowed.

5 Ld. Counsel for applicant has drawn attention of this court to rule 3 (2) of Chapter 17 of Volume IV of Delhi High Court Rules, which reads as under:

"A stranger to a civil or criminal case may, after decree or judgment, obtain copies of the plaint or complaint, written statement, affidavits and petitions filed in the case, as also of the evidence recorded by the Court, and may, for sufficient reasons shown to the satisfaction of the court, obtain copies of any documents before the final order is passed. He may also obtain copies of any judgment, decree or order, at any time after the same has been passed or made, but he shall not be granted copies of exhibits put in as evidence

except with the consent of the person by whom they were produced or under the orders of the Court”.

6 A bare perusal of aforesaid rule makes it amply clear that for sufficient reasons shown to the satisfaction of the court, a stranger can also be provided with certified copy of a document even before passing of final order. In the present case, applicant has been cited as witness and his statement U/s 164 Cr. P.C. has been recorded. It is stated that on basis of the said statement U/s 164 Cr. P.C., ED has arrayed him as an accused in another case filed by ED for which the present case is a predicate offence. The applicant wants to challenge the complaint of ED against him and his arraying as an accused by ED by filing a Special Leave Petition before Hon’ble Supreme Court of India and for said purpose, he requires certified copy of the charge-sheet, supplementary charge-sheet and list of witnesses filed alongwith the supplementary charge-sheet in the present case.

7 Considering the fact that applicant wants to obtain certified copy of the charge-sheet, supplementary charge-sheet and list of witnesses and he needs copy of said documents for challenging the complaint of ED against him before Hon’ble Supreme Court of India i.e. for exercising his legal rights, this court is of the view that applicant has been able to show existence of sufficient reasons needed under rule 3 (2) of Chapter 17 Volume IV. Accordingly, this court is of view that applicant can be granted permission to obtain certified copy of certified copy of the charge-sheet, supplementary charge-sheet and list of witnesses in this case. Accordingly, this application is allowed and applicant is permitted to obtain certified copy of certified

copy of the charge-sheet, supplementary charge-sheet and list of witnesses in the present case.

8 It is further submitted by Ld. Counsel for applicant that vide order dated 19.09.2024, applicant was permitted to obtain certified copy of his statement recorded U/s 164 Cr. P.C on payment of requisite fee. It is submitted by Ld. Counsel that certified copy of his statement recorded U/s 164 Cr. P.C was not provided by the official of Copying Agency on the ground that the said statement U/s 164 Cr. P.C was in a sealed envelope.

9 In view of the aforesaid, Incharge Copying Agency is directed to break open the seals of the envelope in which the statement of applicant U/s 164 Cr.P.C is kept and after copying the same for being provided to the applicant, said statement be again put in the same envelope and re-sealed with the seal of this court. This exercise is to be conducted by Incharge, Copying Agency, in presence of Ahlmad of this court.

10 Accordingly, both the applications are allowed and it is held that certified copy of certified copy of the charge-sheet, supplementary charge-sheet, list of witnesses and certified copy of statement of applicant U/s 164 Cr. P.C. be provided to applicant on payment of requisite fee. Copy of order be given dasti to applicant.

(ANKIT SINGLA)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/14.11.2024