

IA No. 03/24
CC No. CBI/278/2019
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

25.03.2025

ORDER:

1 Vide this order, I shall decide an application filed by applicant Shri Ankur Agarwal seeking permission to obtain certified copies of charge-sheet, supplementary charge-sheet dated 15.04.2024, supplementary list of witnesses as well as statement of Ankur Aggarwal.

2 It is submitted that applicant is one of the prosecution witness and his statements U/s 161 Cr. P.C. were recorded on 01.07.2016, 07.04.2017 and 29.02.2024 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 No.24 in that case on basis of facts connected with 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 further submitted that applicant has been arrayed as an accused in ED case No. CT No. 11/2020 merely on basis of his statements

u/s 161 Cr. P.C in the present case for which the present case is a predicate offence. It is therefore submitted that applicant wants to file a quashing petition before Hon'ble High Court of Delhi for quashing of ED case bearing CT No. 11/2020 titled "ED Vs. Jagmohan Kejriwal & Ors. and for which, he requires certified copies of charge-sheet, supplementary charge-sheet, list of witnesses filed alongwith the supplementary charge sheet as well as statements of applicant recorded U/s 161 Cr.P.C. in the present case. Therefore, it is prayed that applicant may be allowed to obtain certified copies of charge-sheet, supplementary charge-sheet, supplementary list of witnesses as well as statements of applicant recorded U/s 161 Cr. P.C. 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 the application is 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 statements u/s 161 Cr. P.C. had been recorded on 01.07.2016, 07.04.2017 and 29.02.2024. It is stated that on basis of the said statements u/s 161 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 quashing petition before Hon’ble High Court of Delhi and for said purpose, he requires certified copies of charge-sheet, supplementary charge-sheet, supplementary list of witnesses as well as statements of applicant u/s 161 Cr. P.C recorded 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 High Court of Delhi 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 copies of charge-sheet, supplementary charge-sheet, supplementary list of witnesses as well as statements of the applicant recorded u/s 161 Cr. P.C. Accordingly, this application is allowed and applicant is permitted to obtain certified copies of charge-sheet, supplementary charge-sheet, supplementary list of witnesses as well as statements of the applicant recorded u/s 161 Cr. P.C. in the present case.

8 Accordingly, the application is allowed and it is held that certified copies of charge-sheet, supplementary charge-sheet, supplementary list of witnesses as well as statements of the applicant recorded u/s 161 Cr. P.C. dated 01.07.2016, 07.04.2017 and 29.02.2024 be provided to applicant on payment of requisite fee. Copy of order be given dasti to applicant.

Application stands disposed off accordingly.

(ANKIT SINGLA)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/25.03.2025