

CBI/278/2019  
RC No. 6(E)/2015/BD1/CBI/BS&FC/ND  
u/s 120B r/w Section 420/467/468/471 IPC &  
13(2), 13(1) (d) PC Act  
CBI v. M/s Green Valley Plywood Ltd. & Ors.

28.03.2026

**(Present proceedings have been conducted on Hybrid Mode)**

Pr : Mr. Raj Kamal, Learned PP for CBI, physically present.  
Mr. Nishant Sharma, Ld. Counsel for A-2 and A-3, through VC.

1. Learned counsel for A-2 and A-3 may take photographed version of the documents at page nos. 29 and 149 of the set supplied yesterday on or before next date of hearing.

2. Arguments on the application dt. 13.03.2026 under section 207 CrPC of A-11 Sukhdev Raj Khinchi were heard yesterday. Record perused.

3. By way of this application, A-11 prays to the Court that CBI be directed to produce 16 (sixteen) unrelieved-upon documents before the Court and that he be supplied a copy of the same. However, during the course of arguments, learned counsel for A-11 had stated yesterday that he was limiting his relief as prayed for in the application to only one document namely, “*MR 8199/15 : Certified photocopy of Internal Investigation Report of Indian Overseas Bank regarding the account of GVPL (139 pages)*”. He had stated that his application qua the remaining 15 (fifteen) unrelieved-upon documents may be kept pending to be argued upon at a later stage.

4. Learned counsel for A-11 argued that the said

document “*MR 8199/15 : Certified photocopy of Internal Investigation Report of Indian Overseas Bank regarding the account of GVPL (139 pages)*” is of sterling quality and that it would be required at the stage of consideration on charge. He stated that this document is in fact bank’s internal investigation report which had exonerated A-11 Sukhdev Raj Khinchi of all the charges against him; that this document is very crucial inasmuch as it proved A-11’s innocence; that CBI deliberately did not form this document a part of relied upon material. He pointed out that in fact this document had been sent to the Sanctioning Authority who had granted the sanction under section 19 of PC Act, but it has been deliberately withheld from this Court. In support of his arguments, learned counsel for A-11 placed reliance upon the following extract out of the report of CBI v. Ashok Kumar Aggarwal, AIR 2014 SC 827 : (2014) 14 SCC 295.

"Consideration of the material implies application of mind. Therefore, the order of sanction must ex facie disclose that the sanctioning authority had considered the evidence and other material placed before it. In every individual case, the prosecution has to establish and satisfy the court by leading evidence that those facts were placed before the sanctioning authority and the authority had applied its mind on the same. If the sanction order on its face indicates that all relevant material i.e. FIR, disclosure statements, recovery memos, draft charge-sheet and other materials on record were placed before the sanctioning authority and if it is further discernible from the recital of the sanction order that the sanctioning authority perused all the material, an inference may be drawn that the sanction had been granted in accordance with law. This becomes necessary in case the court is to examine the validity of the order of sanction inter alia on the ground that the order suffers from the vice of total non-application of mind. (Vide *Gokulchand Dwarkadas Morarka v. R.* [(1947-48) 75 IA 30 : (1948) 61 LW 257 : AIR 1948 PC 82] ; *Jaswant Singh v. State of Punjab* [AIR 1958 SC 124 : 1958 Cri LJ 265], *Mohd. Iqbal Ahmea v. State of A.P.* [(1979) 4 SCC 172 : 1979 SCC (Cri) 926], *State v. Krishanchand Khushalchand Jagtiani* [(1996) 4 SCC 472 : 1996

SCC (Cri) 755] , *State of Punjab v. Mohd. Iqbal Bhatti* [(2009) 17 SCC 92 : (2011) 1 SCC (Cri) 949] , *Satyavir Singh Rathi, ACF v. State* [(2011) 6 SCC 1 : (2011) 2 SCC (Cri) 782] and *State of Maharashtra v. Mahesh G. Jain* [(2013) 8 SCC 119 : (2014) 1 SCC (Cri) 515 : (2014) 1 SCC (L&S) 85].)

5. On the basis of the above judgment, learned counsel for A-11 contended that if the Sanctioning Authority is obliged to examine all the relevant documents, the Court bears an even greater responsibility; in particular, the Court cannot evade its duty to apply its mind to every pertinent document, especially those of sterling quality. He submitted that the Court has the authority to summon any document, especially one of sterling quality that is likely to have a decisive bearing on the outcome of the *lis*, even if it forms part of the unrelieved-upon documents; and for this he relied on the Apex Court decision in Nitya Dharmananda @ K. Lenin and Anr. v. Gopal Sheelum Reddy, (2018) 2 SCC 93.

6. Learned Sr. PP for CBI had vehemently opposed this application. He submitted that the law is well settled by a series of judgment of the Constitutional Courts that copy of the unrelieved upon documents cannot be supplied under section 207 CrPC, and that at the most an accused can only make its inspection under a Court order. He urged that investigating agency is an independent authority and is not bound to file all the documents that were sent to Sanctioning Authority for grant of sanction under section 19 of PC Act. He submitted that investigating agency, on conclusion of investigation of a case, is well within its authority to decide as to what documents are to be relied upon. He prayed for dismissal of this application.

7. Court findings are as under.

8. In V. K. Sasikala v. State, (2012) 9 SCC 771, it was held that Public Prosecutor's duty extends to ensuring fairness in the proceedings and also to ensure that all relevant facts and circumstances are brought to Court's notice for a just determination of the truth so that due justice prevail; that a duty is cast on the prosecution to make a fair disclosure to the Court, which necessarily includes the furnishing of any document relied upon by the prosecution, irrespective of whether such document has been filed before the Court; that one of the established facets of a just, fair and transparent investigation is an accused's right to ask for all such documents that he may be entitled to under the scheme contemplated under the CrPC; that even where a document is not relied upon by the prosecution, but if it is sought by the accused for the purpose of establishing his defence, he is entitled to be furnished with the same; that a document collected during investigation, which has a bearing on the discovery of the truth, must be disclosed to the accused; that section 207 of CrPC has to be given a liberal and relevant meaning so as to achieve its object; that the documents submitted to the Court along with the report under section 173 (5) of CrPC would deem to include the documents which have to be sent to the Court during the course of investigation as per the requirement of section 170 (2) of CrPC.

9. In Ashutosh Verma v. CBI, 2014 SCC OnLine Del 6931, it was held that all evidence collected during the course of investigation, including material favourable to the accused, must

be furnished to him under section 207 of CrPC, failing which his defence may be impaired and he may be prevented from effectively defending himself.

10. In Shashi Bala v. State Govt. of NCT of Delhi & Ors., 2016 SCC OnLine Del 3791, it was held that the prosecution is bound to supply copy of all documents collected during the investigation. This was a case under section 509 of IPC lodged by a school Vice-Principal. The IO therein during the course of investigation had collected certain documents (preliminary inquiry report, internal complaints, committee report, complainant's complaint dt. 05.07.2013 lodged with school management and statement of few witnesses), but did not forward the same to the Magistrate under section 173 (5) of CrPC. Nonetheless, the Trial Court directed that copies of those documents ought to be provided to the accused, by making good its supply from the police file. The High Court agreed with the said decision of the learned Trial Court and observed:

16. Relying upon this judgment<sup>1</sup>, in *Ashutosh Verma* (supra)<sup>2</sup>, this Court observed that the petitioner cannot be denied an access to the documents in respect of which prayers have been made in the petition merely because CBI does not consider it relevant. If there is a situation that arises wherein an accused seeks documents which support his case and do not support the case of the prosecution and the investigating officer ignores these documents and forward only those documents which favour the prosecution, in such a scenario, it would be the duty of investigating officer to make such documents available to the accused.

17. Reverting to the case in hand, accused persons called upon the Investigating Officer to supply documents/ statements as mentioned in the applications. In fact, in the charge-sheet also there

---

<sup>1</sup> Reference to '*this judgment*' is to the report of Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1.

<sup>2</sup> Ashutosh Verma v. CBI, 2014 SCC OnLine Del 6931  
CBI/278/2019  
CBI v. M/s. Green Valley Plywood Ltd. & Ors.

was a reference that during the course of investigation, the Investigating Officer had received the inquiry report etc. Under the circumstances, in order to do substantial justice to both the parties, the application moved by the respondent nos. 2 to 5 was allowed. The State has not challenged the impugned order meaning thereby it is not averse to supply the documents as ordered by the learned Trial Court.

18. In view of the foregoing discussion, the impugned order does not suffer from any infirmity which calls for any interference.

11. In S. P. Velumani v. Arappor Iyakkam & Ors., (2022) 12 SCC 745, it was held that mandate of section 207 of CrPC cannot be read as a provision etched in stone to cause serious violation of rights of an accused as well as to the principles of natural justice, and that prosecution ought to be carried out in a manner consistent with right of fair trial as enshrined under Article 21 of Constitution of India.

12. In Waheed-Ur-Rehman Parra v. Union of Territory of Jammu & Kashmir, (2022) 12 SCC 240 it was held that in order to plead an appropriate defence there must be full disclosure of the material collected by the prosecution.

13. In Manoj & Ors. v. State of Madhya Pradesh, (2023) 2 SCC 353 it was held that the prosecution cannot suppress any material collected during the investigation, and that provision of section 207 of CrPC has to be given liberal and relevant meaning so as to achieve its object.

14. The above judgments make it clear that prosecution has to be carried out in a fair manner consistent with the constitutional rights of an accused to a fair trial. An established tenet of a fair trial is that if there is a document collected during the investigation and which favours the accused and may be

required by him to establish his innocence, he ought to be supplied with a copy of the same. In Sakiri Vasu v. State of U.P. & Ors., (2008) 2 SCC 409, it was held that power conferred on an authority to do something includes such incidental or implied powers which would ensure the proper doing of that case.

15. Now, it was not disputed before this Court during the hearing yesterday that the said document “*MR 8199/15 : Certified photocopy of Internal Investigation Report of Indian Overseas Bank regarding the account of GVPL (139 pages)*” had been sent to the Sanctioning Authority who granted the sanction under section 19 of the PC Act qua A-11. It was also not disputed before this Court during the course of hearing yesterday that this document which is bank's internal investigation report had exonerated A-11 of the allegations raised against him. Given these two important facets, it is but necessary that a copy of this document be placed on record and A-11 be supplied with a copy thereof. This Court is of the view that this document would be of vital and crucial importance. Given the nature of this document, this Court can very well call for its copy.

16. Apart from the above, it is my view that *de hors* the aspect of accused's right under section 207 of CrPC to seek copy of the aforesaid document, this Court is well within its domain to call for its copy to satisfy for itself as to what exactly had transpired at the stage of internal investigation of the bank. *De hors* the rights of the accused that may flow from the provisions of CrPC/BNSS, this Court is fully empowered to independently assess for itself about the contents of the said document. Given

this, I see no merit in the contention of the prosecution that accused cannot seek copy of an unrelayed upon document under section 207 of CrPC. It bears repetition to state that more than an accused's right under section 207 of CrPC, it is this Court which needs to satisfy itself and see as to what exactly had transpired at the stage of internal investigation of the bank.

17. Further, it is difficult to comprehend as to how the prosecution would be prejudiced if the said document is brought on record. My view is that it is likely to cause *no* prejudice to the prosecution. On the contrary, it would only strengthen the process of fair trial.

18. In view of the above, this court is inclined to direct the IO/HIO to place on record copy of the document “*MR 8199/15 : Certified photocopy of Internal Investigation Report of Indian Overseas Bank regarding the account of GVPL (139 pages)*” on the next date of hearing, with a copy thereof to A-11. It is ordered accordingly.

19. List the matter on 13.04.2026 for arguments on the application under section 207 of CrPC of A-2/A-3. Copy of this order be sent to IO/HIO for compliance.

(M. P. Singh)  
Special Judge (PC Act) CBI-02  
RACC/New Delhi/28.03.2026