

**THE COURT OF SPECIAL JUDGE:
PC ACT (CBI) - 04, ROUSE AVENUE DISTRICT COURTS,
NEW DELHI.**

**I.A No-6/2024
CNR No. DLCT11-000146-2023
CT No. 5/2023**

**Enforcement Department (ED)
Vs.
M/s Hind Agro Industries Ltd & Ors.
ECIR/DLZO-I/25/2020**

23.10.2024

Present : Sh. R. Jude Rohit, Ld. Counsel for A-11, A-12,
A-13, A-24 and A-25/applicants.

Shri Simon Benjamin (VC), Ld. Spl. Public
Prosecutor for Enforcement Directorate (E.D)/ non-
applicant alongwith Ms. Aditi Singh (physically).

ORDER

1. This order shall dispose off one application jointly preferred by A-11, A-12, A-13, A-24 and A-25 seeking direction to E.D to allow to applicants to inspect the unrelayed upon documents (**hereinafter referred to as “URD”**) in the list provided by the prosecution on 21.08.2024.

2. It is, inter alia, stated in the application that the applicants herein have moved the present application on 05.09.2024 seeking direction to E.D to permit the applicants to inspect the

unrelied documents as per the list provided to them on 21.08.2024.

2.1 It is further pleaded that the applicants herein want to inspect the documents/statements which have been collected by the Investigating Authority but not relied upon by them. The details of said unrelied documents are mentioned in Para-2 of the application.

2.2 The inspection of the said unrelied upon documents as stated in Para-2 of the application will enable the applicants to ascertain whether the said documents are relevant or vital for their defence or not. In this regard, reliance is placed upon judgment of Hon'ble Delhi High Court in **“Central Bureau of Investigation V. M/s INX Media Pvt Ltd & Ors”**, 2021 SCC OnLine Del 4932 which has been affirmed by Hon'ble Supreme Court in SLP (Crl.) No. 1274/2022.

2.3 It is further pleaded that no prejudice shall be caused to any party if the present application is allowed.

3. Ld. Counsel for the applicant/accused persons to support his plea regarding inspection of the unrelied documents as pleaded in the application has placed reliance upon judgment of Hon'ble Delhi High Court in **“Central Bureau of Investigation V. M/s INX Media Pvt Ltd & Ors”**, 2021 SCC OnLine Del 4932 which has been upheld by the Hon'ble Supreme Court in SLP (Crl.) 1274/2022.

4. Per contra, Ld. Spl. PP for E.D submits that they do not wish to file any reply and as per the instruction received from the I.O concerned, the Court may decide the said application as per law.

5. **Heard and considered.**

6. The earlier application which was moved by the accused persons in the present seeking supply of list of **unrelied upon documents (URD)** was allowed vide order dated 10.07.2024 in terms of the judgment of Hon'ble Supreme Court **In Re: to issue certain Guidelines regarding inadequacies and deficiencies in Criminal Trial V. The State of Andhra Pradesh & Ors."** (2021) **10 SCC 598.** In compliance of the said order, the list of URD was filed by E.D and supplied to all the accused persons. Therefore, the present application is, in a way, outcome of the said list of URD filed on record by the E.D.

7. The present prayer seeking inspection of the Unrelied Upon Documents (URD) is primarily based upon the interpretation of Article-21 of the Constitution which provides for the complete disclosure of material to the accused being one of the facets of fair trial. The said proposition of law has been clearly laid down by Hon'ble Delhi High in CBI V. INX Media (supra) case which has been affirmed by the Hon'ble Supreme Court in SLP (Crl.) 1274/2022 dated 18.07.2023.

7.1 It is also apparent from the stand taken by E.D that they do not dispute the said settled proposition of law regarding the right

of the accused to inspect the Unrelied Upon Documents (URD) as enshrined and enunciated by Hon'ble High Court in CBI V. INX Media (supra) case.

8. In these circumstances, the application in hand is allowed. The applicants or the Authorised Representative of A-13 & A-12 and their counsel are given the liberty to inspect the Unrelied Upon Document (URD) as detailed in Para-2 of the application.

9. At this stage, Ld. Counsel for accused/applicants submits that at least two days are required for inspecting the said Unrelied Upon Document (URD). He proposes to inspect the documents on 11th and 12th November 2024. Accordingly, the applicants as well as their counsel are at liberty to inspect the Unrelied Upon Document (URD) as detailed in para-2 of the application on 11th and 12th November, 2024 from 2:00 P.M to 6:00 P.M.

9.1 The Investigating Officer and the custodian of the said record at the E.D office to ensure proper co-operation for inspection of the said 22 number Unrelied Upon Document (URD) or prayed in the application.

The application stands disposed off accordingly.

A copy of this order be given dasti to the applicant/counsel and the E.D.

Announced in the open Court
on 23.10.2024.

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue District Courts,
New Delhi