



\$~73

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 7309/2024, CRL.M.A. 27877/2024**

SYED ASHRAF

.....Petitioner

Through: Mr.Archit Upadhyay, Ms.Charu
Sharma and Mr.Ayush Kumar,
Advocates.

versus

CBI

.....Respondent

Through: Mr.Anurag Ahluwalia, SPP with
Ms.Hridyanshi Sharma and Mr.Abhay
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

17.09.2024

CRL.M.A. 27878/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7309/2024, CRL.M.A. 27877/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner against order dated 10.09.2024 passed by Special Judge (PC Act), CBI, New Delhi, whereby Revision Petition preferred on behalf of the petitioner against order dated 09.08.2024 passed by learned CJM/RADC, New Delhi was dismissed.
2. In brief as per the case of petitioner, RC No.2(S)/90 SIG was registered by the respondent against unknown persons on 08.08.1990 under Sections 120B/417/465/468/469/471 IPC with reference to a forged letter

CRL.M.C. 7309/2024

Page 1 of 3



dated 26.11.1987 allegedly written by Sh.V.P.Singh to the then President of India. A closure report in this regard was filed by CBI on 24.11.1997 but the same was rejected by the Court on 05.12.1998. Chargesheet was thereafter filed on 19.09.2000.

3. Learned counsel for petitioner submits that during cross-examination of PW-1/IO, it was revealed that FR-I (report) was initially submitted by IO against the suspected persons namely Sh. Devi Lal (the then Deputy Prime Minister), Sh. Syed Ashraf, (petitioner), Smt. M. Shantha, (then Notary Public), Sh. GY Krishnan, (then Member of Parliament) and Sh. K.K. Deepak, (OSD to Deputy PM), but the same is not a part of relied documents of the prosecution. On plea of petitioner for production of FR-I, an objection was raised on behalf of respondent (CBI) and the request of the petitioner was declined by learned Trial Court.

4. Learned counsel for petitioner emphasizes that production of FR-I as admitted by IO/PW1 is crucial for defence of petitioner and directions be issued for producing the same. He further submits that the material in favour of accused collected by the Investigating Agency cannot be refused to be produced on technical grounds.

5. Mr. Anurag Ahluwalia, Learned SPP for CBI vehemently opposes the petition and submits that petitioner is only entitled to the documents which are relied upon by the prosecution under Section 207 Cr.P.C., read with instructions in the CBI manual. He emphasizes that FR-I is an internal document and the petitioner is not entitled to look into the same.

6. Let short written submissions be filed on record, in not more than 3-4 pages along with judgments relied upon by the counsels. Also, TCR be summoned in digital format.



List on 11.11.2024 at 12:15 PM. However, it is clarified that there is no stay of proceedings.

ANOOP KUMAR MENDIRATTA, J.
SEPTEMBER 17, 2024/VLD