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

CNR No. DLHC010376442026

+ **W.P.(CRL) 2456/2026 & CRL.M.A. 24838/2026, CRL.M.A. 24837/2026**

MANOJ KUMAR MAHATO

.....Petitioner

Through: Mr. Vivek Yadav, Mr. Navneet Kumar Sinha, Mr. Harshit Arora, Ms. Ashi Agarwal and Ms. Shatakshi Kumar, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Vikrant Pachnanda, SPP for CBI.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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14.08.2026

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, 'BNSS'), seeking quashing of the order dated 15.04.2026 passed by the learned ACJM-05, CBI Court, Rouse Avenue District Courts, New Delhi, in Case No. CBI/3/2025, arising out of FIR No. RC-221/2020/E/0009-CBI/EO-III/ND dated 01.10.2020, whereby the petitioner has been directed to appear before the learned Trial Court and furnish specimen signatures of his handwriting to the Investigating Officer.
3. Briefly stated, the aforesaid FIR was registered by the CBI in relation to allegations concerning illegal railway e-ticketing and sale of railway e-



ticketing software. The petitioner along with other co-accused was arrested in connection with the case and was subsequently released on bail.

4. During the investigation, three registers containing handwritten entries were seized in connection with the case. The said registers were subsequently collected by the CBI from the Uttar Pradesh Police. The petitioner had also furnished specimen signatures/handwriting during the investigation. The copies of the three registers and the specimen signatures of the petitioner's handwriting were forwarded to CFSL, Shimla for examination by the handwriting expert.

5. *Vide* communication dated 24.12.2024, CFSL sought an additional set of 15–20 sheets of specimen signatures of the petitioner for comparison and analysis. The said communication was received by the CBI on 03.02.2025. Thereafter, the Investigating Officer contacted the petitioner on 26.08.2025, 09.09.2025 and 01.10.2025 in connection with furnishing the additional specimen signatures. Notices were subsequently issued to the petitioner on 27.10.2025 and 12.11.2025 for joining investigation. The petitioner sought time on the ground of illness and thereafter did not furnish the additional specimen signatures.

6. A charge-sheet dated 26.12.2024 was filed before the learned ACJM-05, CBI Court, Rouse Avenue District Courts, New Delhi, on 04.01.2025 against the petitioner and other accused persons. The record further reflects that, on 26.09.2025, the Investigating Officer informed the learned Trial Court that further investigation in respect of co-accused Hamid Ashraf was pending. A supplementary charge-sheet was thereafter filed on 15.01.2026.

7. On 15.04.2026, the Investigating Officer filed an application under Section 311-A of the Code of Criminal Procedure, 1973 (hereinafter referred



to as 'Cr.P.C.'). before the learned Trial Court seeking directions to the petitioner to furnish the additional specimen signatures. The application referred to the communication dated 24.12.2024 received from CFSL seeking 15–20 sheets of specimen signatures for comparison and analysis.

8. Vide order dated 15.04.2026, the learned ACJM-05 allowed the said application and directed the petitioner to appear before the Court on the next date of hearing for furnishing his specimen signatures. The learned Trial Court recorded that CFSL had sought the specimen signatures for the purpose of comparison and that the requirements of Section 311-A Cr.P.C. stood fulfilled. Aggrieved by the aforesaid order, the petitioner has preferred the present petition.

9. Learned counsel for the petitioner submits that the impugned order is unsustainable as the investigation qua the petitioner had already been completed and the charge-sheet had been filed before the learned Trial Court. It is submitted that there was no further investigation pending qua the petitioner and, therefore, the direction to furnish specimen handwriting/signatures amounts to reopening or adding to the investigation after filing of the charge-sheet and an attempt to fill up the lacuna in the prosecution case.

10. Learned counsel further submits that the petitioner had already furnished his specimen handwriting/signatures in November, 2024, which were obtained by the Investigating Officer by use of force, and that the questioned material had already been forwarded to CFSL.

11. It is further submitted that the application filed by the Investigating Officer under Section 311-A Cr.P.C. contains an incorrect statement that the petitioner had voluntarily furnished his specimen handwriting/signatures.



12. Learned counsel further submits that the learned Trial Court, while passing the impugned order, recorded that the specimen signatures were required to add to investigation. It is contended that, once the investigation qua the petitioner had concluded and the charge-sheet had been filed, the power under Section 311-A Cr.P.C. could not be invoked.

13. Learned counsel also submits that cognizance had not been taken on the charge-sheet as on the date of the impugned order and, therefore, the learned Trial Court could not have directed the petitioner, who had not been summoned pursuant to cognizance, to appear and furnish specimen handwriting/signatures. Reliance is placed on **Chandra Deo Singh v. Prakash Chandra Bose, 1963 SCC OnLine SC 4** and **Union of India v. W.N. Chadha, 1993 Supp (4) SCC 260**.

14. Reliance has been placed by learned counsel for the petitioner on **State of Tripura v. Panna Ahmed, 2026 SCC OnLine SC 960**, **Natasha Singh v. Central Bureau of Investigation (State), (2013) 5 SCC 741**, **Swapan Kumar Chatterjee v. Central Bureau of Investigation, (2019) 14 SCC 328**, **Hanuman Ram v. State of Rajasthan, (2008) 15 SCC 652** and **Fatehsinh Mohansinh Chauhan v. Union Territory of Dadra and Nagar Haveli, 2003 SCC OnLine Bom 207**.

15. *Per contra*, learned Special Public Prosecutor for the CBI, who appears on advance notice, submits that the petitioner was arrested on 09.12.2020 in connection with Crime No. 269/2019, P.S. Hariya, Basti, Uttar Pradesh, during which three registers were seized from his possession. It is submitted that the petitioner had furnished specimen handwriting/signatures in the presence of independent witnesses, which, along with the questioned registers, were forwarded to CFSL, Shimla for examination by the



handwriting expert.

16. Learned Special Public Prosecutor further submits that CFSL, vide communication dated 24.12.2024, sought an additional set of 15–20 sheets of specimen signatures of the petitioner for comparison and analysis. The said communication was received by the CBI on 03.02.2025. It is submitted that the additional specimens were thereafter sought from the petitioner on several occasions, but he did not furnish the same.

17. Learned Special Public Prosecutor further submits that the three registers containing the questioned handwriting are yet to be examined by the handwriting expert for want of the additional specimen signatures sought by CFSL. Thereafter, an application under Section 311-A Cr.P.C. was moved for obtaining the additional specimen signatures as required. It is thus submitted that the learned Trial Court has committed no illegality in directing the petitioner to furnish his specimen signatures.

18. This court has heard the parties and perused the material on record.

19. The issue which arises for consideration is whether the learned Trial Court was justified in directing the petitioner to furnish additional specimen signatures of his handwriting under Section 311-A of the Code of Criminal Procedure, 1973, after filing of the charge-sheet.

20. Section 311-A of the Code of Criminal Procedure, 1973 reads as under:

“311-A. Power of Magistrate to direct person to give specimen signatures or handwriting.— If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Code, it is expedient to direct any person, including an accused person, to give specimen signatures or handwriting, he may make an order to that effect, and in that case the person to whom the



order applies shall attend at the time and place specified in such order and give his specimen signatures or handwriting:

Provided that no order under this section shall be made unless the person has at some time been arrested in connection with such investigation or proceeding.”

21. A plain reading of the Section 311-A Cr.P.C. shows that the Magistrate is empowered to direct any person, including an accused, to furnish specimen signatures or handwriting where he is satisfied that such direction is expedient for the purposes of an “*investigation or proceeding*”. The only express condition contained in the proviso is that the person must have been arrested at some point of time in connection with such investigation or proceeding.

22. The Apex Court in ***Sukh Ram v. State of Himachal Pradesh, (2016) 14 SCC 183***, considered the question of the authority of a Magistrate to obtain specimen handwriting and signatures during the course of investigation. The Court noted that Section 311-A Cr.P.C. was introduced “*to provide for the investiture of Magistrates with powers to issue directions to any person including an accused person to give specimen signatures and handwriting*”.

23. In the present case, there is no dispute that the petitioner was arrested in connection with the present case and was subsequently released on bail. The statutory requirement contained in the proviso to Section 311-A Cr.P.C. is, therefore, satisfied.

24. The principal objection of the petitioner is that, since the charge-sheet had already been filed, the investigation stood concluded and, cognizance having not yet been taken, the learned Trial Court had no jurisdiction to direct him to furnish specimen signatures. The contention, thus, proceeds on the



premise that the power under Section 311-A Cr.P.C. can be exercised only after cognizance of the offence has been taken.

25. The said submission of the petitioner cannot be accepted. Section 311-A Cr.P.C. does not make the taking of cognizance a condition precedent for exercise of the power conferred thereunder. The expression used by the legislature is “any investigation or proceeding”. The provision thus does not restrict the exercise of power to a stage subsequent to cognizance.

26. Furthermore, the mere filing of the charge-sheets, does not, in itself, curtail the statutory power conferred upon the Magistrate under Section 311-A Cr.P.C. The provision does not stipulate that cognizance of the offence must have been taken before such power can be exercised.

27. Moreover, in the present case the petitioner had earlier furnished specimen signatures of his handwriting during investigation. The registers and the specimen signatures of his handwriting were thereafter forwarded to CFSL, Shimla for examination. CFSL, vide communication dated 24.12.2024, sought an additional set of 15–20 sheets of specimen signatures of the petitioner for comparison and analysis.

28. The record further shows that, after receipt of the aforesaid communication, the Investigating Officer made repeated attempts to secure the additional specimens from the petitioner. The petitioner was contacted on 26.08.2025, 09.09.2025, and on 01.10.2025. Thereafter, a notice was also issued to him on 27.10.2025 requiring him to join the investigation. A second notice was issued on 12.11.2025 again requiring him to join investigation. On 15.11.2025, an email was also sent to him requiring him to join the investigation. The petitioner did not furnish the additional specimens. It is in the aforesaid circumstances that the application under Section 311-A Cr.P.C.



came to be filed before the learned Trial Court.

29. On appreciation of the aforesaid facts, it is evident that the furnishing of the additional specimen signatures was in continuation of the forensic process already undertaken during the investigation. The first communication from CFSL seeking the additional specimen signatures is dated 24.12.2024, and all subsequent communications and efforts made by the Investigating Officer for obtaining the said specimens were also undertaken prior to the filing of the final charge-sheet dated 15.01.2026. The requirement for the additional specimens, therefore, arose during the course of the investigation itself. The impugned direction is consequently connected with the forensic examination of material already collected during investigation and cannot be said to have permitted the prosecution to embark upon an entirely new exercise unrelated to the investigation already conducted.

30. The submission of the Learned counsel for the petitioner that the direction amounts to filling a lacuna in the prosecution case is, therefore, not tenable. The questioned registers had already been collected and the petitioner's specimen signatures had already been obtained. The requirement for additional specimens arose from the communication of CFSL seeking further material for comparison.

31. As regards the allegation that the earlier specimen handwriting/signatures were obtained from the petitioner by use of force, the same is a disputed factual allegation. The said allegation does not affect the statutory power of the learned Magistrate to direct furnishing of additional specimens pursuant to the requirement communicated by CFSL.

32. In view of the aforesaid discussion, this Court finds that the learned Trial Court was competent to exercise the power under Section 311-A Cr.P.C.



at the stage at which the application was considered. The absence of cognizance or filing of the charge-sheet does not render the impugned order without jurisdiction. The direction to furnish additional specimen signatures was also issued pursuant to a specific requirement communicated by CFSL in relation to material already collected during investigation.

33. This Court, therefore, finds no illegality, perversity or jurisdictional error in the order dated 15.04.2026 passed by the learned ACJM-05, CBI Court, Rouse Avenue District Courts, New Delhi.

34. The present petition is accordingly dismissed. The petitioner shall comply with the directions contained in the impugned order dated 15.04.2026. Pending application(s), if any, stand disposed of.

35. Copy of the order be communicated to the learned Trial Court for necessary compliance and information.

36. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 14, 2026/prg/sd