

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 679 of 2016**

- Mohammad Sirajuddin S/o Mohammad Shariff, Aged About 55 Years, R/o Alfaz B-2, 4 B H K Bunglow, Chouhan Town, Junwani Road, Bhilai, District Durg, Chhattisgarh.

**---- Petitioner**

**Versus**

- State of Chhattisgarh (Through C B I), District Raipur, Chhattisgarh.

**---- Respondent**

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For Petitioner : Shri Surendra Kumar Dewangan, Advocate  
For respondent/CBI : Shri Pawan Kesharwani, Advocate

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order On Board By**

**07/07/2016**

1. The present Cr.M.P. has been preferred challenging the order dated 17/06/2016 passed by the Special Judge, C.B.I., Raipur in Case No. 1013/15.
2. The present petitioner is being prosecuted for an offence under Section 7,13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988. In the instant case charge-sheet was filed on 29/09/2015.
3. During the course of trial, the accused/present petitioner has moved an application on 04/02/2016 seeking for certain documents, which was alleged to be a part of the charge-sheet, however, it has been reflected in the impugned order that those documents which are sought by the accused person was not on the part of the charge-sheet and hence these document have been denied by the Court below.
4. In the opinion of this Court, if the documents which are sought by the

accused persons are not a part of the charge-sheet, then by the said application he could not have sought for the said documents. Even otherwise the Court itself while rejecting the application the Court below has categorical held that in case if the documents which are sought by the accused/present petitioner is not part of the charge-sheet he would be at liberty to cross-examine and challenge the same at the appropriate stage, the same cannot be sought for by way of moving application and which has been rightly rejected by the impugned order.

5. In the opinion of this Court, no strong case is made out for interference of this impugned order dated 17/06/2016. However, the present petitioner could not come in the way for challenging the action on the part of the prosecution such documents which were not part of the charge-sheet are produced and relied during trial then the petitioner will have all the rights under the law to question the same.

6. With the aforesaid observation, the Cr.M.P. is dismissed.

Sd/-

(P. Sam Koshy)  
Judge