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

+ CRL.REV.P. 332/2015, CRL.M.A. 8152/2015

SWADESH KUMAR SHARMA Petitioner

Through Mr. Vipin K Gupta, Adv

versus

C B I Respondent

Through Ms.Rajdipa Behura, Spl. PP for CBI
with Ms.Monica Gupta, Ms.Garima
Singh Yadav, Advocates with
Insp. Gulshan Kumar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **08.10.2018**

Petitioner is aggrieved by order dated 26th February, 2015 passed by the trial court; whereby applications under section 311 Cr.P.C. filed by respondent-CBI have been allowed and documents collected during the investigation have been permitted to be placed on record. Trial court also permitted the respondent to recall PW-24 H.D. Dhir. Besides this, three other witnesses namely, P.S. Kochar, Ram Narayan Mishra, N.C. Sood and Santok Singh were also permitted to be examined to prove the documents taken on record.

As per the petitioner, documents could not have been taken on record, even though same were part of investigation, as the same were not filed along with the charge sheet, inasmuch as, there was inordinate delay in filing the application.

Learned Trial Court has placed reliance on CBI vs. R. S. Pai, AIR

2002, SC 1644 wherein Supreme Court held that the Investigating Officer is required to produce all the relevant documents at the time of submitting the charge-sheet. At the same time, as there is no specific prohibition, it cannot be held that the additional documents cannot be produced subsequently. If some mistake is committed in not producing the relevant documents at the time of submitting the report or charge-sheet, it is always open to the Investigating Officer to produce the same with the permission of the Court.

Learned SPP for CBI submits that the Investigating Officer, who had filed the charge-sheet, inadvertently failed to annex the documents; which was noticed during the trial court and accordingly, application was filed. It is contended that all the witnesses have since been examined and trial is at fag end.

In these facts, I do not find any justification to interfere with the impugned order whereby documents, collected during the investigation, have been permitted to be taken on record. The witnesses summoned vide the impugned order have also been cross-examined.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J

OCTOBER 08, 2018

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