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

+ **CRL.M.C. 5466/2024, CRL.M.A. 20928/2024**

SACHIN GARG

.....Petitioner

Through: Mr. Pramod Kumar Dubey, Sr.
Advocate with Mr. Arjun Mahajan,
Mr. Raghvendra N. Budholia, Mr.
Harshit Kapoor, Mr. Prince Kumar,
Ms. Amrita Vatsa and Mr. Shivam,
Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: SPP, CBI (appearance not given).

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **19.07.2024**

CRL.M.A. 20929/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5466/2024 & CRL.M.A. 20928/2024

1. Petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred on behalf of the petitioner for quashing of order dated 10.07.2024, passed by learned CJM, Rouse Avenue Court, New Delhi in FIR No. RC-219/2019/E-0005 dated 29.06.2019 under Sections 120B read with Sections 420, 468 & 471 IPC with the following prayers:

“i. Set aside the order dated 10.07.2024, passed by the Ld. Trial Court in CBI Case No. 11 of 2022.

ii. Pass an order to the Ld. Trial Court directing the



investigating officer to supply documents afresh as collected at time of investigation in the court and allow sufficient time for the scrutiny of the same in light of the voluminous record.”

2. Learned counsel for the petitioner submits that on 10.07.2024, the matter was fixed for scrutiny of documents, which were earlier supplied to the petitioner by the respondent-CBI. However, unfortunately the basement of the counsel for the petitioner was flooded with water, due to unprecedented rains on 28.06.2024. It is urged that on account of flooding of office, the documents in the ‘basement office of the counsel’ situated at Defence Colony were completely damaged and could not be retrieved. As such, it is prayed that respondent-CBI may be directed to supply a fresh set of documents in soft/hard copy, to ensure that the petitioner is able to fairly represent his case.
3. Learned counsel for the respondent-CBI opposes the petition primarily on the ground that the petitioner is trying to delay the proceedings and documents have already been supplied in compliance of Section 207 Cr.P.C. However, he fairly submits that the documents relied by the prosecution alongwith the chargesheet can be again supplied to the petitioner in a soft copy.
4. Admittedly, the flooding of basements due to heavy rain on 28.06.2024 was widely reported in the newspapers and judicial notice of the same can be taken. Petitioner would be prejudiced and may be unable to fairly meet out his case, in the eventuality, a copy of documents is not made available to him to contest the proceedings. Considering the facts and circumstances, respondent is directed to supply a fresh set of documents in a



soft copy as relied upon by the prosecution.

Petitioner shall further have an opportunity to scrutinize the documents supplied in a soft copy and file appropriate application in case of deficiency of documents, if any. Order dated 10.07.2024 passed by learned Trial Court declining to supply a fresh set of copies of documents to the petitioner, is set aside. Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J

JULY 19, 2024/akc