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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2923/2025, CRL.M.A. 13017/2025
SEEMA MUTNEJA & ANR.Petitioners

Through: Mr. D.S. Kohli, Mr. Yash Kadyan,
Ms. Mannat Kohli and Mr. Gaurav
Agrawal, Advocates.

versus

CBI

.....Respondent

Through: Mr. Ripudaman Bhardwaj, SPP with
Mr. Kushagra Kumar, Mr. Abhinav
Bhardwaj and Mr. Amit Kumar Rana,
Advocates.
Inspector Avinash (IO).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.05.2025

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1. The instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ is directed against order dated 9th April, 2025², passed by Special Judge, PC Act (CBI-03), Rouse Avenue District Court, New Delhi in CC No. 75/2019 titled as **CBI v. Seema Mutneja & Ors.** By way of the impugned order, an application filed by CBI under Section 348 of BNSS, has been partially allowed by the Trial Court.

2. As per the impugned order, the application filed by the CBI under Section 348 of BNSS (corresponding to Section 311 of the Code of Criminal Procedure, 1973³) was partially allowed, essentially for the purpose of adducing evidence in relation to two documents D-60 [Airway Bill no. AP 186810015984 dated 20th April, 2006] and D-61 [Airway Bill no. AP

¹ "BNSS"

² "Impugned order"

³ "Cr.P.C."



186810016220 dated 27th September, 2006].

3. At the outset, Mr. D.S. Kohli, counsel for the Petitioners points out that the document D-60, was not part of the charge and therefore, at this juncture, when the matter is listed for final arguments, the prosecution could not be permitted to introduce the document. As regards the second document – i.e., D-61, it is argued that the said document is entirely irrelevant to the case. However, without prejudice to Petitioner's rights and contentions, Mr. Kohli states on instructions that in order to avoid any further delay in proceedings, the Petitioner admits the genuineness of the said document and therefore the same may be read in evidence.

4. Mr. Ripudaman Bhardwaj, SPP for CBI, states on instructions that the CBI is not insisting upon the production or reliance on the document D-60. His statement is taken on record.

5. It is not in dispute that the statement of Mr. Chaudhary, was to be recorded only in the context of aforementioned documents. In light of the aforementioned concession made by the Petitioner, since document D-61 shall now be read in evidence, in the opinion of the Court, examination of Mr. Hemant Chaudhary to prove the said document, is no longer necessary.

6. With the above clarity, no further directions are required to be passed in the present petition. The impugned directions stands modified in light of the afore noted observations.

7. Accordingly, the petition is disposed of along with pending application.

SANJEEV NARULA, J

MAY 7, 2025/as

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