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

+ CRL.M.C. 3450/2025 & Crl.M.A. 15211/2025 & Crl.M.A.  
15212/2025

**SANJAY CHATURVEDI**

.....Petitioner

Through: Mr. Ashish Kumar Sharma, Mr. Arjit  
Sharma & Mr. Yash Mundra,  
Advocates

Versus

**CENTRAL BUREAU OF INVESTIGATION & ANR.**

.....Respondents

Through: Mr. Rajesh Kumar, Special Public  
Prosecutor with Mohd. Changez Ali  
Khan & Ms. Ojaswani Jain,  
Advocates

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

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**16.05.2025**

1. The present Petition under Section 528 of *Bhartiya Nagrik Suraksha Sanhita, 2023* has been filed challenging the Order dated 29.04.2025 passed by the learned Special Judge in CC No. 41/2021, titled as *CBI Vs. H.B. Chaturvedi & Ors.* and seeking a direction to Respondent No.2 to produce Inventory Report dated 17.08.2011 prepared on the said date.
2. It is submitted that CC No. 41/2021, titled as *CBI Vs. H.B. Chaturvedi & Ors.* is pending trial. The Petitioner had moved an Application dated 29.04.2025 before the learned Trial Court seeking directions to M/s ARCIL

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to produce the documents / Inventory Report dated 17.08.2011 prepared by its Authorized Officer in respect of physical possession taken of unit of M/s ShamkenMultifab Limited, located at Khasra No.316 & 318 Gram Kotwan, Tehsil Chatta, Distt. Mathura, UP. However, *vide* Order dated 29.04.2025, the Application has been dismissed and closed the opportunity of the Petitioner to lead defence evidence has been closed.

3. It is submitted that on 07.01.2025, the Appellant had submitted before the Trial Court that the witness namely Sh. Jeevan Kumar from M/S ARCIL who had taken over the physical possession. was sought to be examined, which was allowed. However, the witnesses appeared only on 12.02.2025 in compliance of Bailable Warrants.

4. The learned Counsel for the Petitioner submits that he did not wish to examine this witness in his personal capacity and his presence was sought only for the purpose of producing the relevant documents. The witness was accordingly, discharged unexamined.

5. The learned Counsel for ARCIL undertook that the requisite documents shall be furnished on the next date of hearing and Mr. Mughal Ahuja, Deputy Manager, was bound down for the next date of hearing.

6. On 04.03.2025, the Counsel for the Petitioner submitted that the defence witness had produced the original documents and requested the witness to be discharged unexamined with directions to bring the original record.

7. ARCIL filed compliance Affidavit dated 03.03.2025 wherein it was submitted that the original Inventory prepared on 19.10.2011 has been filed before the Allahabad High Court and the copy of the same was annexed with the Affidavit dated 03.03.2025.

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8. The learned Counsel submits that *vide* Order dated 08.04.2025, the defence evidence was closed by the learned Trial Court observing that ample opportunities have been given for bringing on record the documents, which they intend to rely on in their defence.

9. It is submitted that Mr. Mughal Ahuja had filed Inventory Report dated 19.10.2011 along with compliance Affidavit dated 03.03.2025, whereas the Petitioner had sought the Inventory Report dated 17.08.2011.

10. It is submitted that in compliance of the directions of the Allahabad High Court in W.P. (Civil) No. 50688/2011, the learned District Judge, Mathura was directed to inspect the premises and prepare the Report. Inventory Report dated 19.10.2011 was accordingly, prepared and was submitted before the Hon'ble High Court. The Inventory Report was prepared nearly two months after taking over the actual physical possession on 17.08.2011.

11. The Petitioner had moved an Application dated 29.04.2025 seeking direction to be issued to ARCIL to produce Inventory Report dated 17.08.2011 at the time when physical possession was taken on 17.08.2011. This Inventory dated 17.08.2011 is necessary for the defence of the Petitioners. Therefore, the impugned Order be set aside and it is requested that ARCIL be directed to file Inventory Date d17.08.20211.

12. ***The learned Counsel for the Petitioner*** submits that under the provisions of SARFAESI Act, 2002, it is mandated to prepare the Inventory on the date physical possession is taken. It is submitted that the Respondent has produced the Inventory Report dated 19.10.2011, but failed to produce the Inventory Report dated 17.08.2021 and direction be issued to produce the Inventory Report dated 17.08.2021.

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13. *Learned Counsel for the Respondent has appeared on advance Notice* and he submits that there is no Inventory Report dated 17.08.2011, as no such Report was prepared on 17.08.2011. The only Report available is the Report dated 19.10.2011 which already stands filed before the Allahabad High Court and copy of the same has already been placed on record.

14. Considering the submission made on behalf of the Petitioner, it is directed that the Respondent shall file an Affidavit of the competent person before the learned Trial Court to this effect.

15. No further directions are required to be made.

16. The present Petition and pending Applications are accordingly disposed of.

**NEENA BANSAL KRISHNA, J**

**MAY 16, 2025**

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