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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 7316/2025, CRL.M.A. 30704/2025 & CRL.M.A.
30705/2025

RAJ KUMAR SINGH RATHOURPetitioner

Through: Mr. B.S. Jakhar, Mr. Vikram Singh
Jakhar, Mr. Neeraj Jakhar, Mr. Viraj
Rathee, Mr. Shubham Dabas, Mr.
Nihar Dagar, Advocates

versus

THE STATE NCT OF DELHIRespondent
Through: Mr. Hemant Mehla, APP for the State
with SI Amit Bhardwaj, PS Najafgarh
SI Seema Meena, PS Dwarka Sector-
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CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
16.10.2025

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1. The Petitioner is implicated in FIR No. 533/2023 dated 16th November, 2023, registered at P.S. Najafgarh under Sections 376, 377 and 506 of the Indian Penal Code, 1860¹. In the said proceedings, the chargesheet has been filed and charges have since been framed against the Petitioner under the aforesaid provisions.
2. The present petition, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² (corresponding to Section 482 of the Code of

¹ "IPC"

² "BNSS"



Criminal Procedure, 1973³), does not challenge the order framing charges. It assails the Trial Court's order dated 23rd July, 2025, dismissing the Petitioner's application (I.A. No. 02/2025) seeking permission to place on record certain documents not relied upon by the Investigating Officer during investigation.

3. The documents sought to be introduced include: (i) a legal notice issued by him to the prosecutrix, (ii) a complaint lodged with the SHO, P.S. Mohan Garden, DCP, Dwarka, and the Commissioner of Police, Delhi, and (iii) copies of his bank statements. According to the Petitioner, these materials are necessary to demonstrate that the prosecutrix has falsely implicated him after having extorted a sum of INR 13,01,000/- under the pretext of constructing her house.

4. The State, represented by Mr. Hemant Mehla, opposes the petition and submits that none of the aforesaid documents were produced during the course of investigation and, therefore, do not form part of the prosecution record. It is submitted that the Trial Court rightly refused to entertain them at the pre-trial stage.

5. The Court has considered the aforementioned contentions and perused the record.

6. The Petitioner contends that certain documents were enclosed with his bail application and were, therefore, already within the prosecution's knowledge. However, the mere act of annexing documents to a bail application does not constitute their formal submission in the course of investigation or their inclusion in the case record under Section 193 of the BNSS (corresponding to Section 173 of CrPC). For such material to form

³ "CrPC"



part of the prosecution record, it must be placed before and accepted by the Investigating Officer during investigation or later introduced in accordance with the rules of evidence. Since that was not done in the present case, these documents cannot now be treated as part of the record.

7. The Petitioner's complaint filed with P.S. Mohan Garden was not registered as an FIR but merely diarised for inquiry at a police station having no nexus with the present case. Moreover, the documents, as described, are essentially intended to advance a defence of false implication. At this stage, such materials cannot be introduced into the prosecution record. The law is well settled that while exercising inherent powers under Section 528 BNSS, this Court does not ordinarily interfere with interlocutory orders that lie within the Trial Court's discretion unless there is manifest perversity or grave procedural irregularity. No such infirmity is discernible in the impugned order.

8. Nevertheless, the Petitioner retains the right to adduce these materials in his defence during trial, in accordance with law. The Trial Court shall consider any such evidence, if duly produced and proved, on its own merits without being influenced by the present order.

9. For the foregoing reasons, no ground for interference is made out. The petition is accordingly dismissed, along with pending applications.

SANJEEV NARULA, J

OCTOBER 16, 2025/ab