



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No.4618 of 2026
(Arising out of SLP (Crl) No.17158 of 2026)**

Central Bureau of Investigation

...Appellant

Versus

Anil Dixit

...Respondent

ORDER

Leave granted.

2. The Central Bureau of Investigation (CBI) challenge the orders directing it to produce some documents, specifically '*unrelied*' upon documents, at the stage of framing of charges. The accused, the respondent herein, filed an application under Section 91 of the Code of Criminal Procedure, 1973 (CrPC), seeking for certain documents, which was allowed as per Annexure P2 dated 21.09.2019, by the Special Judge No.1, CBI, Ranchi.

3. The CBI filed a compliance report producing certain documents, resisting the production of certain others and asserting that some of them are not in their possession, as per Annexure P13. A further application filed by the accused

resulted in an order dated 18.07.2022, produced as Annexure P5, which is affirmed in the impugned order; challenged by the CBI.

4. We heard Sri Suryaprakash V. Raju, learned Additional Solicitor General appearing for the appellant-CBI and Sri Arvind Kumar Gupta, learned Senior Counsel for the respondent-accused.

5. The respondent has filed an affidavit pursuant to our order dated 07.09.2026 that they are not seeking the source of information received by the CBI and the case diaries. The accused otherwise, relies on a decision of this Court in ***Sarla Gupta and Another v. Directorate of Enforcement***¹, while the CBI on the other hand, relies on an earlier decision of a Coordinate Bench in ***State of Orissa v. Debendra Nath Padhi***².

6. ***Debendra Nath Padhi***² held that '*insofar as the accused is concerned, his entitlement to seek order under Section 91 CrPC, would ordinarily not come till the stage of defence*' (*sic. para25*), whereas in ***Sarla Gupta and Another***¹, a co-ordinate Bench found that these observations are in the context of what constitutes '*the record of the case for the purpose of Section*

¹ (2025) 7 SCC 626

² (2005) 1 SCC 568

227 CrPC' (sic-para44). However, in paragraph 68.4, **Sarla**

Gupta¹ also holds as under:

'.....Though the accused will be entitled to a list of documents, objects, exhibits, etc. that are not relied upon by the ED at the stage of framing of charge, in ordinary course, the accused is not entitled to seek copies of the said documents at the stage of framing of charges.'

7. Be that as it may, we need not look at the aforesaid decisions but would only proceed on the premise that the accused is entitled to the documents available with the prosecuting agency to shape its defence; but at what stage could the documents be sought for, is the question arising, which has to be looked at on the specific documents sought for.

8. We see from the order dated 21.09.2019 that there were documents sought for, as serially numbered from (a) to (j), which are extracted hereunder:

'(a) Photocopies of all seizure memos. Through which documents have been seized by the I.O during investigation from various departments/authorities.

(b) Photocopies tor Daily Dairy Register and FIR Register maintained in the office of SP, CBI/HOB,ACB, Ranchi for the month of October/November, 2014.

(c) Photocopies of letter Dispatch Register of the office of the SP/CBI/HOB,AGB, Ranchi for the month of October/November, 2014.

(d) Photocopies of Source information Report (SIR) of case no RC No.12A/2014-R and its SIR verification

report both are public document and mandatory part of FIR itself.

(e) Photocopier of all the documents, seized by the I.O. but not relied upon in the charge sheet.

(f) Photocopies of minutes of 8th, 9th, 10th, 12th, 13th and 14th Building Committee as frequent Reference of these meetings are appearing in the Charge-sheet and Relied Upon Documents at number places. This establishes the pick and Choose theory of documents as blatantly followed by prosecution documents, in supports of the defence have been withheld by the prosecution with malafide intentions.

(g) Videography/ Photography of evaluation committee meetings for Finalization of Master Plan dated 16 and 17/12/2011 and another meeting held on dated 21/1/2012 for finalization designs for individual Buildings.

(h) Photocopies of minutes of the meeting held on 21.01.2012 for Finalization of Individual Buildings designs, with the signed attendance sheet.

(i) Photocopies of Expression of Interest and the Technical bid as submitted by the applicant, while applying for the process of selection in response of Expression of Interest.

(j) Appointment files of M/s Grey Parikh Architects Pvt. Ltd. and M/s Sandeep Shirke Architects' & Associates Pvt. Ltd. the two accused with were named In FIR but dropped the charge sheet.'

9. The compliance report filed by the CBI is at Annexure

P13, which responds in the following manner:

a) Photocopies of all seizure memos of this case, through which documents have been seized by the IO during Investigation are being submitted along with this petition.

b) *The reply concern with this para it is submitted that daily dairy register and FIR register maintain in the office of the SP CBI is not related with this case as such the copy of FIR of this case has already been supplied to the defence petitioner.*

c) *The information sought with regards to letter dispatch register of this branch, it is submitted that it is not concern with this case and hence it cannot be supplied.*

d) *The case no.RC. 12/A/2014-R is registered on the basis of source information. As per law, details/identity of the cannot be disclosed. As such this is the confidential documents which may not be supplied.*

e) *The unrelies upon documents are voluminous. However, If the petitioner so wishes, they may inspect these documents seized in this case with the permission of this Hon'ble Court. After inspection, he may give a certificate of inspection in this regard.*

f) *In the chargesheet the only reference of Building Committee Meeting is that of the 11th meeting dated 27.01.12 which has already been supplied to the accused petitioner as relied upon document which is concerned in this case. Apart from this, no other reference of any Building Committee meetings are concerned with this case.*

g) *The videography/photography of evaluation committee meetings for Finalization of Master Plan, was not collected during the investigation in this case and, hence, the same could not be supplied. As such no any recording is available with CBI in this case.*

h) *As regards photocopy of minutes of meeting held on 21.01.2012 for finalization of Individual Buildings designs, with the signed attended sheet, the same is not available with CBI.*

i) *Relies upon document was marked D-2 which contains EOI, has already been supplied to the petitioner. Technical bid as submitted by the applicant, while applying for the process of selection in response*

to Expression of Interest, is not available in the file collected from CUT by CBI.

j) That M/s Grey Parikh Architects Pvt. Ltd and M/s Sandeep Shirke Architects and Associates Pvt. Ltd are not Charge sheeted in this case. During investigation no any criminality found against both the companies and hence not Charge sheeted in this case.'

10. Hence, the seizure memos covered under clause (a) have been produced. With respect to (b), (c) and (d), those are the registers maintained by the CBI and the source information, which cannot be divulged. The accused also has not insisted upon it having withdrawn his request for the same.

11. Insofar as clause (e) is concerned, the CBI has permitted examination of such documents, since it is voluminous. The accused could examine such documents and seek for production of the specific document required at the appropriate time, when the appropriate witness is being examined either by the prosecution or the defence, for which purpose the CBI shall keep the files ready at the time of trial. Or in the alternative, the CBI could permit the accused or his authorised representative to specify the particular document required, at the time of inspection; reduced to writing and signed by both parties, which shall also be produced before

the Trial Court without any delay, which documents specified alone need be kept available, in the Court at the time of trial.

12. With respect to clause (f), it is stated by the CBI that only the Minutes of 11th meeting is relied upon in the case. The respondent's contention is that there are other Minutes which would absolve him from criminal culpability as alleged against him. The said documents are sought for by specific dates mentioned, as is seen from the above extract from the first order passed by the Special Court and if they are available in the voluminous records which have been permitted to be examined by the accused, then necessarily the production could be sought for as directed by us, herein above, at the appropriate stage. If the same is not available with the CBI, then the accused would be entitled to procure the same and prove it in his defence evidence; either by resort to the Right to Information Act, 2005, or by producing a suitable witness at the time of defence. The evidentiary value of which will have to be assessed by the Trial Court.

13. As far as clause (g), (h) and (i), the CBI categorically states that those are not available with them. With respect to the documents sought for in clause (j), it is the submission of the CBI that those persons were not arrayed as accused and their appointments, if at all, would not in any manner

exculpate the accused. Those which are not available with the CBI necessarily cannot be produced by them.

14. The Trial Court shall proceed in accordance with the directions above. The impugned orders are set aside to facilitate an expeditious trial.

15. The appeal is disposed of.

16. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
SEPTEMBER 25, 2026.**