

2A Supply-Case

**IN THE COURT OF ADD. CHIEF JUDICIAL MAGISTRATE**

**47<sup>TH</sup> COURT AT, ESPLANADE, MUMBAI**

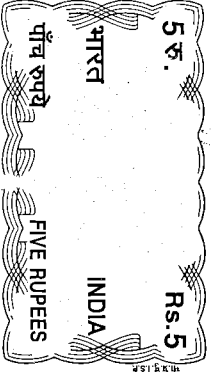
**MISC. APPLICATION NO. OF 2026**

**IN**

**CASE NO. 256/ PW/2023**

**IN**

**C.R. No. \_\_\_\_\_ of 2002**



THE STATE OF MAHARASHTRA

}... RESPONDENT

Versus

Sanjay Hariram Agarwal

} ...APPLICANT/

ACCUSED

**APPLICATION UNDER SECTION 230 OF  
BNSS FOR SUPPLY OF COPIES OF  
NEWLY PRODUCED DOCUMENTS AND  
TIME TO PERUSE THE SAME:-**

**MAY IT PLEASE YOUR WORSHIP**

It is most respectfully submitted on behalf of the above named Accused as under

- 1) That the charge sheet in the present case was filed by the investigating officer in the year 2002, for the offence under section \_\_\_\_\_ of IPC 406, 408, 420, 465, 467, 468, 471, 34
- 2) That the Accused was supplied with the copies of the charge sheet, which include the statement of witness

and documents which are the on the record of this Hon'ble Court.

- 3) That on the basis of said charge sheet, statement of witness and documents, this Hon'ble Court was pleased to frame charges against he accused.
- 4) That from October 2023 to November 2025, the evidence of as many as 18 prosecution witnesses, including the complainant (PW-1), has been recorded by this Hon'ble Court. The cross-examination of all these witnesses was conducted by the learned counsel for the accused trictly on the basis of the documents and materials referred to and annexed with the charge-sheet supplied to the accused/applicant, ensuring a fair and effective opportunity to defend.
- 5) That the Investigating Officer (IO) (PW-19) was summoned as a witness by the prosecution and his examination-in-chief has been recorded. During the said evidence, vide letter dated 19.11.2025, the IO has sought to produce more than 36 additional documents/materials (hereinafter referred to as "**the Additional Documents**") which were allegedly in his custody and lying with the Muddamal Department.
- 6) That the documents now sought to be produced by the prosecution are stated to be seized by the Investigating Officer during the course of the investigation under various seizure panchanamas.

- 7) That it is highly pertinent to note that while the said seizure panchanamas form part of the charge-sheet papers originally supplied to the Accused, the actual documents seized thereunder were never produced along with the charge-sheet. They were withheld by the IO with him for the ground best know to him
- 8) That these seized documents were neither included in the charge sheet nor given to the Accused. It is only recently, through a letter dated 19/11/2025, that the Investigating Officer trying to suggest that these documents as Muddemal and proposed to submit them to this Hon'ble Court.
- 9) That shockingly, none of the aforesaid Additional Documents were ever referred to, mentioned, described, or listed in the original charge-sheet, the list of documents under Section 173 of the erstwhile Code of Criminal Procedure, 1973, or any supplementary report filed by the prosecution at any stage from 2002 till date. These Additional Documents are being sought to be tendered for the first time in November 2025, i.e., over 23 years after the filing of the charge-sheet.
- 10) That the documents withheld from the Accused are not mere formal papers but include several highly important and substantive documents, such as **contract notes, bills, adjustment letters, correspondence, minutes of meetings, and other allied documents.** All of these are material

documents having a direct and profound bearing on the facts in issue.

- 11) That the prosecution had from 2002 to 2022 to produce these substantive documents but failed to do so. Producing them now—running into over 1500 pages—after the cross-examination of 18 material witnesses is over, amounts to an ambush prosecution.
- 12) That till date, no copies of the aforesaid Additional Documents have been supplied to the accused/applicant or his learned counsel, despite repeated oral requests.
- 13) Further examination-in-chief dated 16/01/2026 clearly record as under

**(Learned Advocate for the accused submitted that they have not received the copies of these documents which are shown as muddamal in the charge-sheet and filed by the concerned Police Station on 19.11.2025. Learned Advocate for the accused as well has filed another application raising apprehensions about the said documents and making further requests. Hence, the prosecution is called upon to explain these circumstances on next date).**

- 14) That despite these documents having a direct bearing on the facts in issue, neither a physical nor a digital copy has been supplied to the Accused till date.
- 15) That the Accused has strongly objected to the production of these documents. However, without prejudice to the said rights and objections, if this Hon'ble Court is inclined to take the same on record, the Accused asserts their statutory rights under Section 230 of the BNSS.
- 16) That it is a settled principle of law that an accused cannot be expected to defend themselves against material they have not seen.
- 17) That given the voluminous and complex commercial/documentary nature of these records, the Accused's advocate requires sufficient and reasonable time to read, analyze, and formulate a proper defense strategy based on this newly introduced material.
- 18) Further, the total volume of these Additional Documents exceeds 1500 pages, rendering it practically impossible for the accused/applicant to review, analyze, and prepare for cross-examination without sufficient time and opportunity
- 19) That permitting the production of such documents at this belated stage, without providing copy of the same to accused and exhibiting the same is entirely against the principles of natural justice and violates the

Accused's fundamental right to a fair trial under Article 21 of the Constitution of India.

**IT IS THEREFORE PRAYED**

- a) Direct the prosecution to immediately supply a complete, legible set of the newly produced documents to the Accused; **and**
- b) Grant the Accused and their counsel an adjournment of at least 6 weeks to carefully peruse the said voluminous documents;
- c) Pass any other order(s) as deemed fit in the interest of justice.

AND FOR THE ACT OF THIS KINDNESS APPLICANT SHALL PRAY FOR EVER

Date

Mumbai

Adv. For Applicant

**Applicant/accused**