MHNG030023772002

RCC No. 3030147/2002
State -- Vs – Sunil & Ors

ORDER BELOW EXH.3801

This is an application under Section 207 of the Code of Criminal Procedure (for short "***the Cr.P.C***") made by accused No.3 for supplying documents mentioned in para 2.3 of the application.

2. The application is running into 11 pages. The sum and substance thereof is that, the investigating agency has seized voluminous data, corporate records, software, hardware and electronic materials including compact disk and floppies. The prosecution has failed to provide copies thereof to accused No.3. Thus, as mentioned above, accused No.3 has made a prayer for supplying the documents mentioned in para 2.3 of the application. The accused also made a prayer to direct the prosecution to furnish comprehensive list of statements, documents, material objects and exhibits seized during the investigation but not relied upon by the Investigating Officer.

3. The prosecution has filed its reply at Exh.3807 running into 05 pages. The sum and substance thereof is that, the accused has received copies of the chargesheet as well as the supplementary chargesheet. At that time, the accused had not raised any objection in respect of supplying copies of the aforesaid documents. Lastly, the prosecution has submitted that, the accused may be permitted to inspect the record and proceeding of the present case as the same is

voluminous. On these major grounds, the prosecution has prayed for rejection of the application.

4. Heard Shri N.S.Jaju, the Ld. Advocate for accused No.3 through Video Conferencing and the Learned APP Smt. V.C.Chawariya for the prosecution. In support of his submissions, the Ld. Advocate for accused No.3 has placed reliance upon the following case law :

> ***1. Manoj and others Vs. State of Madhya Pradesh, (2023) 2 Supreme Court Cases 353.***
> ***2. V.K.Sasikala Vs. State represented by Superintendent of Police, (2012) 9 Supreme Court Cases 771.***

5. In the course of arguments, the Ld. Advocate for accused No.3 has pointed out para Nos. 200 to 202 and 206 to 209 of the decision in **Manoj** (***Supra***) and para 21 of the decision in **V.K.Sasikala** (***Supra***). The Ld. Advocate submitted that, the prosecution is required to furnish a list of statements, documents, material objects and exhibits specifying the statements, documents, material objects and exhibits that are not relied upon by the Investigating Officer. In retort, the Ld. APP submitted that, the copies of chargesheet and also the supplementary chargesheet have been supplied to the accused. The accused never raised any objection in respect of receipt of incomplete chargesheet. The accused is designedly delaying the proceeding by making different applications.

6. In para No.209 of the decision in **Manoj**(***Supra***), the Hon'ble Supreme Court has held thus,

> *In view of the above discussion, this Court holds that*

> *the prosecution, in the interests of fairness, should as a matter of rule, in all criminal trials, comply with the above rule, and furnish the list of statements, documents, material objects and exhibits which are not relied upon by the investigating officer. The presiding officers of courts in criminal trials shall ensure compliance with such rules.*

7. In para 17 of the decision in ***P. Ponnusamy Vs. State of Tamilnadu, 2022 SCC Online SC 1543,*** the Hon'ble Supreme Court has observed that,

> *As stated earlier, the requirement of disclosure elaborated on in Manoj, not only was premised on the formulation of draft rules, but normatively premised on the ratio of the three-judge bench decision in Manu Sharma (supra). In these circumstances, the proper and suitable interpretation of the disclosure requirement in Manoj (supra) would be that:*
> *(a) It applies at the trial stage, after the charges are framed.*
> *(b) The court is required to give one opportunity of disclosure, and the accused may choose to avail of the facility at that stage.*
> *(c) In case documents are sought, the trial court should exercise its discretion, having regard to the rule of relevance in the context of the accused's right of defence. If the document or material is relevant and does not merely have remote bearing to the defence, its production may be directed. This opportunity cannot be sought repeatedly – the trial court can decline to issue orders, if it feels that the attempt is to delay.*
> *(d) At the appellate stage, the rights of the accused are to be worked out within the parameters of Section 391 CrPC.*

8. The present case is for offences punishable under Section 406, 409, 468, 471, 120B r/w 34 of the IPC. The original chargesheet has endorsement dated **22.11.2002** made by the Ld. counsel for accused No.3 in respect of receipt of copy of chargesheet. There is also an endorsement dated **25.08.2003** made by the Ld. Counsel for accused No.3 in respect of receipt of copy of supplementary chargesheet. The charge Exh.3737 was framed against accused No.3 on **26.11.2025**. In the plea Exh.3759, in answer to question No.1, accused No.3 has replied that, he has received copy of the chargesheet. The said plea was signed by accused No.3 on **15.12.2025**. Thereafter, the prosecution has examined as many as 07 witnesses. However, accused No.3 never raised any objection in respect of having received incomplete copies of chargesheet and supplementary chargesheet since 25.08.2003, i.e., a period of **more than 22 years**. The accused was well aware that, the trial has been made time bound by the Hon'ble High Court. Record shows that, accused No.3 has changed his advocates on several occasions. The accused has also not availed the opportunity of conducting cross-examination of some of the prosecution witnesses. In short, the application under consideration is an attempt to delay the trial.

9. The Notification dated 15.07.2022 in pursuance of the directions of the Hon'ble Supreme Court in ***Suo Moto Writ (CRL) No. (S) 1/2017 In Re: To Issue Certain Guidelines Regarding Inadequacies And Deficiencies In Criminal Trials Versus The State of Andhra Pradesh & Ors***. goes to show that, the draft guideline No.4 in respect of supply of documents under Section 173, 207 and 208 of the Cr.P.C. in Chapter-I.Investigation of the Draft Criminal Rules on

Practice 2021 has not been inserted in the Criminal Manual of our Hon'ble High Court. Thus, the accused would not be entitled to the relief claimed under para 5B of the application.

10. By filing pursis Exh.3810, the Ld. APP has shown willingness to supply documents mentioned in paragraph 2.3 (A) to (E). By order dated 16.04.2026, accused No.3 was directed to make clear whether the documents referred in paragraph 2.3 (F) to (J) are part and parcel of the chargesheet or not. However, instead of making clear the position, accused No.3 has filed pursis Exh.3814 informing that some documents are missing in the copies supplied to him.

11. In ***V. K. Sasikala (Supra),*** the Hon'ble Supreme Court has observed that, the plea in respect of compliance Section 207 of the Cr.P.C. must be answered at the earliest and certainly before the conclusion of the trial, even though it may be raised by the accused belatedly. As observed in ***P. Ponnusamy*** (***Supra***), the trial court can decline to issue orders, if it feels that the attempt is to delay. As discussed above, the accused has delayed the trial by making different applications. The accused is designedly delaying the proceeding. Thus, the prayers in para 5A and 5B of the application are liable to be rejected.

12. As stated above, the accused has received copies of chargesheet as well as supplementary chargesheet, yet, the accused can be permitted to inspect the record and proceeding of this case either personally or through his Ld. Advocate as per proviso to Section 207 of the Cr.P.C. as the record and proceeding of the present case is voluminous. Hence, order.

ORDER

1. The prayers made by accused No.3 in para 5A and 5B of the application are rejected.

2. The accused is permitted to inspect the record and proceeding of this Case either personally or through his Ld. Advocate as per proviso of Section 207 of the Cr.P.C.

MAHESH VIJAYKUMAR PHADE

Digitally signed by MAHESH VIJAYKUMAR PHADE
Date: 2026.04.20 13:51:58 +0530

Nagpur.
Date : 20.04.2026

(M.V. Phade)
2nd Addl Chief Judicial Magistrate
Nagpur.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are same word to word as per original Judgment.

Name of Stenographer : A.H.Ghosekar (Grade-II)