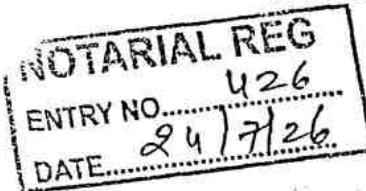


IN THE COURT OF HON'BLE DISTRICT AND SESSION JUDGE
NAGPUR

CRIMINAL REVISION NO. OF 2026

APPELLANT: SANJAY HARIRAM AGRAWAL,

Age 58 years, Occ: Business,
Residing at 7 Hari Sava Street,
Kidderpore, Kolkata, 700023



//VERSUS//

RESPONDENT: STATE OF MAHARASHTRA

Through Ganesh Peth
Police Station
Nagpur

REVISION UNDER SECTION 438 OF THE BNNS ACT

The Applicant name above most respectfully
submit as under

MOST RESPECTFULLY SHOWETH AS UNDER:-

1. The present Revision Application is filed against the orders dated 20.04.2026, 06.05.2026 and 19.06.2026, passed by the Ld. 2nd Additional Chief Judicial Magistrate, Nagpur in R.C.C. No. 3030147/2002, whereby the Learned Magistrate has rejected the Applicant's applications filed below Exh.3801, Exh.3819 and Exh.3832 respectively, seeking supply and production of

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documents, electronic records and material objects seized during investigation and necessary for the defence of the Applicant.

2. To be precise, only the facts necessary for adjudication of the limited grievance raised in the present Application are stated briefly hereunder.
3. The Applicant is Accused No.3 in Regular Criminal Case No.3030147 of 2002, pending trial before the learned 2nd Additional Chief Judicial Magistrate, Nagpur, for offences punishable under Sections 406, 409, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, arising out of investment transactions between Nagpur District Central Co-operative Bank and Home Trade Limited, of which the Applicant was a Director.
4. It is submitted that initially the case came to be registered as Regular Criminal Case No.147 of 2002 against the Applicant along with the other co-accused. On account of proceedings before the Hon'ble High Court, the trial of the Applicant came to be split up and separated from the trial of the other co-accused, who were tried and convicted by the learned A.C.J.M., Nagpur, while the trial against the Applicant remained pending. Post the said split, the Applicant filed an

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application before the learned A.C.J.M., Nagpur, seeking a direction for filing of a split-up chargesheet against him, assignment of a separate case number, and compliance with Section 207 of the Cr.P.C., which application came to be dismissed and was carried in revision and thereafter in Criminal Writ Petition No.1009 of 2024 before the Hon'ble High Court, wherein, while the prayer for a separate case number was rejected, the Hon'ble High Court vide order dated 21.04.2025 expressly observed that the learned A.C.J.M. is competent to understand the meaning of a separate trial and will not treat all the exhibited documents as proved documents in the case against the Applicant. True copy of the order dated 21.04.2025 passed by the Hon'ble High Court in Criminal Writ Petition No.1009 of 2024 is annexed herewith and marked as Exhibit - A.

5. It is also submitted that the Learned Trial Court, by order dated 11.11.2025, rejected the discharge application filed by the applicant and by order dated 26.11.2025 framed charges against him. The petitioner preferred Criminal Revision Application No. 45/2026 challenging the orders dated 11.11.2025 and 26.11.2025, and is presently pending adjudication before the Hon'ble High Court.

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6. Thereafter, seven prosecution witnesses have been examined. In the course of the trial, the Applicant made applications seeking supply/production of documents, electronic records and material objects necessary for his defence and for effective cross-examination of prosecution witnesses. Each such application has come to be rejected by the impugned orders, on grounds which, it is respectfully submitted, are extraneous to the actual, discrete factual grievance raised by the Applicant, and run directly counter to the express direction of this Hon'ble Court noted above.

THE ORDER DATED 20.04.2026 BELOW EXH.3801

7. By application Exh.3801 under Section 207 Cr.P.C., the Applicant sought supply of documents mentioned at paragraphs 2.3(A) to 2.3(J) of the application. By order dated 16.04.2026, the learned Trial Court recorded that as regards documents at 2.3(A) to (E), the prosecution had, by pursis Exh.3810, agreed to supply some copies. As regards documents at 2.3(F) to (J), the order rather than directing the prosecution the party in exclusive possession of the seized material to specify what these documents were and where they stood in relation to the chargesheet, the Trial Court directed the Applicant himself to make clear whether

S. M. [Signature]



THE ORDER DATED 06.05.2026 BELOW EXH.3819

5. Ap bound



seizer No. 3 some documents are not found. In seizer No. 11 document No. 8 to 16 and 14-22 are not found. It is specifically submitted that in seizer No. 13 some cheques are seized during investigation and but copy of that cheques did not provide to accused. That, during process of investigation 105 banks Account of Home Trade and their associates companies were seized but copy of seized statement did not supply prosecution to accused. During the hearing of this application, the learned Special Public Prosecutor was unable to point out the specific folder, file, or location within the pen drive where the all Seizures documents were said to be contained. Despite this, the learned Trial Court rejected the application and imposed exemplary costs of Rs.5,000/- on the Applicant, on the ground that the application was designed to delay the trial. True copy of the order dated 06.05.2026 passed by the Ld. 2nd Additional Chief Judicial Magistrate, Nagpur in R.C.C. No. 3030147/2002 is annexed herewith and marked as Exhibit - C.

THE ORDER DATED 19.06.2026 BELOW EXH.3832

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9. By application Exh.3832 under Section 91 Cr.P.C., the Applicant specifically sought production of the 71 documents (Case Property Sr. Nos.1 to 71) seized from his residential premises under Seizure Memo No.10, being documents which, according to the Applicant, are necessary to rebut the forensic audit report on which the prosecution case is substantially founded, including contract notes, banking records, delivery records and correspondence with regulatory authorities relating to Government Securities transactions. The learned Trial Court rejected this application solely on the ground that the seizure panchanama pertaining to Seizure Memo No.10 had already been exhibited as Exh. 1361, and the documents therein marked as Articles AA-1 to AA-71, "during the course of trial (for the earlier accused)" i.e., in the separate, concluded trial of the co-accused persons and that this, showed the documents to be "already on record." True copy of the order dated 19.06.2026 passed by the Ld. 2nd Additional Chief Judicial Magistrate, Nagpur in R.C.C. No. 3030147/2002 is annexed herewith and marked as Exhibit -

D.

10. Hence, the present Revision Petition is being filed on the following, amongst other, grounds:

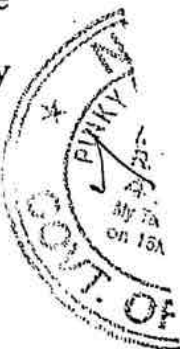
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:GROUNDS:

- A. The order below Exh.3832 is contrary to the binding direction of the Hon'ble High Court dated 21.04.2025 in Criminal Writ Petition No.1009 of 2024. The Hon'ble High Court, while dismissing the Applicant's writ petition, expressly safeguarded the Applicant by directing that exhibited documents from the separate, concluded trial of the co-accused shall not be treated as proved documents against the Applicant, and that a modality be adopted to avoid confusion arising from the exhibit numbers of that earlier trial. The impugned order dated 19.06.2026 goes against precisely what this Hon'ble Court directed as it treats the marking of Seizure Memo No.10 documents as Exh.1361/Articles AA-1 to AA-71 in the co-accused's separate trial as sufficient to hold that the very same documents are "already on record" and need not be produced or supplied afresh in the Applicant's own, separately conducted trial. This is a direct and impermissible departure from a specific direction of a superior Court in proceedings between the same parties concerning the same case.
- B. That the continued use of the exhibit numbers of the previous, separate trial in the present proceedings is contrary

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to the direction of this Hon'ble Court and is causing confusion in the trial against the Applicant. The Hon'ble High Court, in Criminal Writ Petition No.1009 of 2024, while permitting the Applicant's trial to continue under the same case number, specifically directed that the learned A.C.J.M. *"will not treat all the exhibited documents as proved documents in the case against the present petitioner"* and that the Trial Court and prosecution *"may adopt a modality to avoid any confusion with regard to the exhibit numbers of the documents and recorded evidence in the trial against other co-accused persons."* This direction was issued precisely because documents in the co-accused's trial were marked with exhibit numbers (such as Exh.1361, Exh.1362, Exh.1866, Exh.1883, Exh.1884, and Articles AA/BB series) at a stage when the Applicant was not before the Court, was not represented, and had no opportunity to object to their marking, prove their contents, or test them by cross-examination. Despite this, the record in the present proceedings continues to refer to and rely upon these very exhibit numbers from the earlier, separate trial. The continued dependence on, and interchangeable use of, the previous trial's exhibit numbers therefore runs directly

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contrary to the letter and spirit of the order dated 21.04.2025, and has become the very source of the confusion and prejudice that the Hon'ble Court sought to prevent.

- C. The reasoning in the impugned orders conflates a document being marked as an exhibit in a different, concluded trial with a document being supplied to, or available to, the Applicant for the purposes of his own trial and defence. A seizure panchanama and the articles referred therein being exhibited in the trial of a co-accused conducted without participation of, or cross-examination by the Applicant does not, satisfy the requirement of production or supply of that material to the Applicant under Section 207 or Section 91 Cr.P.C. The two concepts, viz. (a) a document forming part of the general record and proceedings of a case, and (b) a document being furnished/produced to a specific accused for his defence in his own separated trial, are distinct, and the impugned order proceeds on an erroneous equation of the two.
- D. The order below Exh.3819 fails to record any finding on the specific, verifiable factual controversy raised by the Applicant, namely, whether the Seizure No.10 documents and **other seizers documents** were in fact contained in the pen drive supplied by the prosecution. It is a matter of

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record that the prosecution was unable to point out the specific location within the pen drive where the Seizure No.10 and **other seizers documents** were said to be stored. A factual assertion of this specificity that a defined, identifiable set of documents is absent from an identified 3 GB data approx set supplied by the prosecution itself, required a finding either way. Its rejection solely by reference to the Applicant's general conduct and the imposition of exemplary costs, without any finding on the underlying fact, renders the order unsustainable.

E. The impugned orders impermissibly shift onto the Applicant the burden of identifying and accounting for seized material that is, and at all times has been, in the exclusive custody of the investigating agency.

F. Cumulatively, the three impugned orders reflect a consistent pattern of disposing of specific, document-wise grievances of the Applicant by reference to generalised observations regarding the age of the case and the Applicant's litigation conduct, without engaging with the particular factual controversy raised in each application. While the Trial Court's concern for expeditious disposal of a decades-old trial is not disputed, that concern cannot substitute for an adjudication,

S.H. Kumar



on their own merits, of specific and narrow factual assertions concerning non-supply of identified material.

- G. The impugned orders violate the right to fair trial under Article 21 of the Constitution. The prosecution, being the investigating agency itself, has full and unrestricted access to every document seized during investigation, including material it has chosen not to rely upon. The Applicant, by contrast, has no independent means of obtaining any of this material once it passes into State custody upon seizure. That the trial ceased to be adversarial in any meaningful sense when one party to a criminal trial has complete access to the universe of evidence and the other has none. The impugned orders, by declining production on grounds unconnected to the actual question of whether the documents were supplied, perpetuate this imbalance rather than correcting it, which it was the very purpose of Section 207 and Section 91 Cr.P.C. to prevent.
- H. The impugned orders permit suppression of material that may be exculpatory, contrary to the constitutional mandate against withholding evidence favourable to the accused. It is well settled that fair trial requires the prosecution to place before the accused not merely the material it relies upon, but

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also material in its possession that may assist the defence, precisely because the prosecution cannot be the sole judge of what is or is not relevant to a case it is itself prosecuting. Here, the Applicant's specific case is that the Seizure No.10 documents and the material at Exhibits 1362, 1866, 1883 and 1884 contain contract notes, banking records and regulatory correspondence that would demonstrate the legitimate deployment of funds towards Government Securities, directly rebutting the forensic audit report on which the prosecution case rests. The Trial Court's refusal to direct production of this specific, identified, potentially exculpatory material, on extraneous grounds itself works a suppression of evidence favourable to the accused, which no procedural technicality can justify.

- I. That the denial of the documents forecloses the Applicant's right to lead an effective defence under Sections 233 and 243 of the Cr.P.C. The right of an accused to produce evidence in his defence, and to have compulsory process issued for that purpose, is a substantive right recognised under Sections 233 and 243 Cr.P.C. and is an incident of the right to fair trial under Article 21. An accused cannot meaningfully decide what defence to set up, or what witnesses or documents to



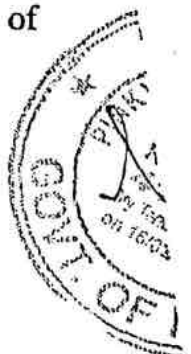
S. Arun Kumar

rely upon, without first knowing the contents of material seized from his own possession. By declining to direct supply of the very documents seized from the Applicant's own residence, the impugned orders pre-empt and foreclose this right before the defence stage is even reached.

J. That the prejudice occasioned and is continuing is irreversible and cannot be cured at a later stage of the trial or in appeal. The prosecution witnesses whom the Applicant is required to cross-examine are presently being examined before the Trial Court. Cross-examination is a right that must be exercised when the witness is before the Court, a document withheld today and made available only after the witness has been discharged is of little or no use for testing that witness's evidence subject to the right to recall. The denial of these documents at this stage therefore causes a prejudice that cannot be remedied by supply of the same documents at a later point in the trial, or even by an appellate court after conviction, since the opportunity to confront the witness would, by then, have been irretrievably lost.

11. The impugned orders are dated 20.04.2026, 06.05.2026 and 19.06.2026. The revision is therefore filed within period of limitation.

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12. The applicant seeks liberty to add, amend, modify or delete any of the paragraphs or ground of the present Criminal Revision as and when it is necessary.
13. The applicant has not filed any other application before any other court, touching to the subject matter of this Criminal revision.
14. The applicant undertakes to remove the office objections, if any, as and when required.

24. HENCE IT IS PRAYED THAT :-

- A. That Criminal Revision Application may kindly be allowed.
- B. call for the record and proceedings of Regular Criminal Case No.3030147 of 2002 insofar as they relate to Exh.3801, Exh.3819 and Exh.3832;
- C. set aside the orders dated 20.04.2026 (below Exh.3801), 06.05.2026 (below Exh.3819), and 19.06.2026 (below Exh.3832);
- D. direct the Prosecution and the Respondent-State/State CID, Nagpur, to specifically identify, produce and supply to the Applicant, item-wise, the documents comprising seizers No. Seizer in a manner specifically verifiable by the

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Applicant against the seizure panchanamas and charge-sheet index, and not merely by reference to the exhibit numbers assigned in the separate, concluded trial of the co-accused persons;

E. Pending Hearing and final disposal of present revision application the further proceedings in R.C.C. No. 3030147 of 2002, may kindly be stayed.

F. And or to grant any other relief to which present applicant is found entitled to in the facts and circumstances of the case to secure the ends of justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANT, AS IN DUTY BOUND, SHALL EVER PRAY.

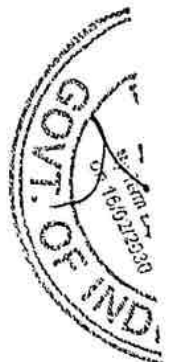
PLACE :

DATE : .

A Bond
ADVOCATE FOR APPLICANT.

A. S. Bond

S. Narayana



:: VERIFICATION ::

I, Sanjay Hariram Agarwal, Age: 60 Years, Occu.: Business, R/o 7 Hari Sava Street, Kidderpore, Kolkata-700023, do hereby state on oath and solemn affirmation that the contents of this Revision Application from paragraph No. 1 to 14 & prayer clause A to F, are explained to me and understand English and are true and correct to the best of my knowledge and belief.

Hence, verified at 24th July, 26 at Nagpur.



Identified by:

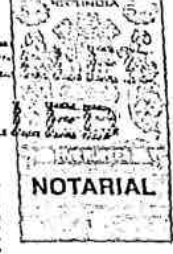
ABond

(Adv. A.S. Bond)

S. Agarwal
DEPONENT.

SWORN BEFORE ME ON THIS 24th
DAY OF July 20 26 AT NAGPUR BY
SHRVSMT./KU. Sanjay Hariram Agarwal
R/O Kolkata WHO HAS BEEN IDENTIFIED
BY SHRVSMT. A. S. Bond
ADVOCATE, NAGPUR.

[Signature]
NOTARY
Govt. of India
NAGPUR DIST, (M.S.) INDIA



VAKALATNAMA

IN THE COURT OF HON'BLE

Sp. C.A./F.A./S.A./C.R.A.

/C.S./W.P./O.A./C.P./

Summ. Cri. Compl. Rev. No. _____ of 2026

Appellant/ Petitioner/D.Hr

Applicant/Plaintiff/Complainant. Sanjay Agrawal

//VERSUS//

Respondent/ Opponent/ J.Dr

Defendant/Caveatee State of Maharashtra

Amount of

Claim in Suit etc. Rs. _____

I/We Sanjay Harinam Agrawal,
R/o Kolkata.

Inhabitant/s of: Kolkata the Applicant in the said matter
hereby appointed

PANKAJ A. TAMBOLI

(ADVOCATE)

TEKDI ROAD SITABULDI NAGPUR

CELL. 9922987784, 8485898957

pankaj.tamboli15@gmail.com

Adv. Amit S. Band

Adv. Chetak Dhajode

(2788/24)

(8237823722)

To appear and act for me/us as my/our Advocate/s in the said
matter. Witness my/ our hand/s this _____ day of _____ 2025

Witness _____

ACCEPTED:

Signature of Advocate/s

P. Tamboli

A. Band

S. Harwal
Signatures

Filed in Court on _____ 2024

BEFORE THE Hon'ble Sessions Judge, Nagpur.

Cri. Rev. App No. of 20 26

Sanjay VERSUS State

List of Documents Filed by Applicant.

DOCUMENT NO.	DISCRIPTION OF DOCUMENT	DATE OF DOCUMENT	ORIGINAL/ COPY
①	Copy of Order in W.P. 1009/24	21/4/25	Copy
②	Copy of App. Below Ech. 3801	12/3/26	- -
③	Copy of Reply — —	—	—
④	Order Below Ech. 3801	20/4/26	- -
⑤	Copy of App. Below Ech. 3819	—	- -
⑥	Order Below Ech. 3819	6/5/26	- -
⑦	Reply Below Ech. 3832	—	- -
⑧	Order Below Ech. 3832	19/6/26	- -
⑨	List of Documents missing in Record	—	- -
⑩	Copy of List of Seized Documents	—	- -

Nagpur

Date: 25/7/26

Abond

Counsel for the Applicant

2025:BHC-NAG:5103



J Cr.WP-1009-2024.odt

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.1009 OF 2024

PETITIONER : Sanjay Hariram Agrawal,
(Ori. Applicant) Aged about 58 years, Occ. Business. R/o. 7,
Hari Seva Street, Kidderpore, Kolkata.

..VERSUS..

RESPONDENT : State of Maharashtra,
(Ori. Non Applicant) Through P.S.O., Ganeshpeth Police Station,
Nagpur.

Mr P. Agrawal, Advocate a/b Mr S. Lambat, Advocate for Petitioner.
Mr M. J. Khan, APP for Respondent/State.

CORAM : M. W. CHANDWANI, J.

DATED : 21st APRIL, 2025.

ORAL JUDGMENT

1. Heard.

2. The order dated 16.04.2024 passed by the learned Additional Chief Judicial Magistrate, Nagpur, rejecting the petitioner's request to file a split-up chargesheet against him, assign a fresh case number to the split-up case and thereafter, comply with the provisions of Section 207 of the Code of Criminal Procedure, 1973, is challenged. The order dated 18.11.2024 whereby the order of the learned A.C.J.M. confirmed by the learned Additional

Sessions Judge, Nagpur in Criminal Revision No.118 of 2024 is also challenged by way of this petition.

3. A brief background of the case is necessary to dispose of the present case.

The petitioner was one of the accused in Regular Criminal Case No.147 of 2002 registered for the offences punishable under Sections 406, 409, 468, 471 and 120(B) of the Indian Penal Code, 1860, which was pending before the learned A.C.J.M., Nagpur for trial. Pending the trial, petitioner filed Criminal Application No.628 of 2014 before the Principal Seat of the High Court of Bombay for clubbing of all the FIRs registered against him and other co-accused and for a joint trial, wherein the Principal Seat of the High Court of Bombay stayed the trial against petitioner. Pending the said criminal application, Public Interest Litigation No.25 of 2014 came to be filed before this Court for directing the learned A.C.J.M., Nagpur to expedite the trial of Regular Criminal Case No.147 of 2002. Since there was a stay to the trial against petitioner in Criminal Application No.628 of 2014, in Civil Application No.1701 of 2019 in Public Interest Litigation No.25 of 2014, the Division Bench of this Court directed that the

trial shall proceed against the remaining accused except the petitioner. Pursuant to this, the trial against other co-accused was started and concluded by the learned A.C.J.M., Nagpur. Meanwhile, Criminal Application No.628 of 2014 filed by the petitioner was dismissed by this Court vide order dated 09.07.2021 directing the learned A.C.J.M., Nagpur to complete the trial expeditiously. After completion of trial against other co-accused and even four months after conducting hearings on a day-to-day basis, the trial against the present petitioner could not be commenced. The petitioner filed an application in Regular Criminal Case No.147 of 2002 pending before the learned A.C.J.M, Nagpur for seeking direction to the police to file a split-up chargesheet; give a separate case number to his case; and comply with Section 207 of the Cr.P.C. The application came to be dismissed by the learned A.C.J.M. by its impugned order. An unsuccessful attempt was subsequently made before the learned Additional Sessions Judge, Nagpur in revision. Hence, this petition.

4. Mr. Agrawal, learned counsel appearing on behalf the petitioner submitted that the trial against the present petitioner was stayed. Consequently, the trial against other co-accused persons was

concluded. This means that the trial against the present petitioner was split-up and separated from the trial against the other co-accused. In that scenario, the prosecution is supposed to file a split-up chargesheet against the present petitioner and a case shall be registered upon filing of the split-up chargesheet by the prosecution. It is also submitted that after giving a new case number, the provisions of Sections 207 and 208 of the Cr.P.C. are required to be complied with. According to him, if the trial in earlier Regular Criminal Case No.147 of 2002 commences, then there will be difficulties in conducting the same. All the documents relied upon by the prosecution are already exhibited and therefore, serious prejudice will be caused to the petitioner.

5. The sum and substance of the argument of the learned counsel for petitioner is that a split-up fresh chargesheet ought to have been filed by the prosecution to avoid all these difficulties and technicalities with regard to the documents exhibited and the evidence recorded. According to him, this aspect has not been considered by the learned A.C.J.M. as well as the learned Additional Session Judge and erroneously rejected the application of the petitioner.

6. Conversely, Mr. M. J. Khan, learned Additional Public Prosecutor appearing for the respondent/State vehemently submitted that this is nothing but a technique to delay the trial. According to him, till date the trial against petitioner has not commenced. According to him, way back in the year 2021, a direction was given by this Court to commence the trial after conclusion of the trial against other accused persons and to conclude the same within four months. The trial against other co-accused persons came to be concluded on 20.12.2023. Thereafter, four months have lapsed but there is no prosecution in the trial. He submitted that no doubt, the trial against the present petitioner is separated just because of the order by this Court. According to him, even in other cases of separated trial, the same procedure is being adopted by the learned Trial Courts and the prosecution. According to him, the present petition is nothing but an attempt to kill time since the earlier trial has resulted into conviction. Therefore, according to him, there is no merit in the petition and hence, he sought rejection of the same.

7. Having heard the learned counsels for the respective parties and having gone through the record and orders passed by

this Court, it transpires that the petitioner approached this Court for clubbing of all the FIRs and joint trial by filing Criminal Application No.628 of 2014, wherein the trial was stayed. It is also a matter of record that in Civil Application No.1701 of 2019 pending in PIL, the Division Bench of this Court directed the learned A.C.J.M., Nagpur to proceed against the remaining accused except the petitioner, since the order dated 19.12.2014 was passed by the Principal Seat of the High Court of Bombay staying the trial against the present petitioner. Pursuant to this, the learned A.C.J.M., Nagpur proceeded against the other co-accused and concluded the trial by the judgment of conviction dated 22.12.2023 and the trial against the present petitioner remained to be tried. In wake of the direction given in the final order of Criminal Application No.628 of 2014, wherein the learned A.C.J.M., directed to conclude the trial within four months, the trial against the present petitioner has commenced.

8. No doubt, due to the situation that arose and the order passed in Criminal Application No.628 of 2014, the trial of the petitioner came to be separated.

9. It is to be noted here that the petitioner is an accused in Regular Criminal Case No.147 of 2002. The police have already collected the evidence against the present petitioner in Regular Criminal Case No.147 of 2002. Giving a separate case number is ministerial act and is in no way going to affect the petitioner. Whether the accused is tried in Regular Criminal Case No.147 of 2002 or by given a new number to the case, it will not make any difference to the merits of the case, particularly, when petitioner has been supplied with a copy of the chargesheet in the case.

10. In the decision of the Madras High Court in the case of H. Aarun Basha vs. State represented by the Inspector of Police., 2018 SCC OnLine Mad 12845, relied upon by the learned counsel for petitioner, the Court has issued ten guidelines to be followed in cases where the accused persons are absconding. The Madras High Court in the said decision has relied on the Criminal Rules of practice and Circular Orders, 1958 prevailing in the State of Tamilnadu. Out of the ten guidelines, one guideline is to assign a number to the split-up case. On this point, the learned counsel for petitioner vehemently submitted that a new case number has to be given to the split-up case.

11. Let me state that every High Court has framed guidelines for the Criminal Courts as a Rules of practice. So far as the State of Maharashtra is concerned, the Rules of practice of Criminal Court is enumerated in the Criminal Manual. Since in the Criminal Rules of practice in the State of Madras, there were provisions for giving a new number to split-up cases; in that scenario, this has been observed by the Madras High Court while referring to the guidelines that a new case number should be given to the split-up case. So far as the Criminal Manual applicable to the State of Maharashtra is concerned, there is no such practice of giving a new case number to the split-up case. Rather, the learned A.C.J.M., Nagpur, while concluding the trial against other co-accused did not dispose of entire Regular Criminal Case No.147 of 2002 and kept the same pending for trial of the petitioner. This itself is evident of practice of trying the case with earlier case number.

12. So far as the anxiety of the learned counsel for the petitioner is concerned, the evidence that has already been recorded during the trial of other co-accused and the documents are already exhibited in the trial against other co-accused is concerned, in my view, the learned A.C.J.M. is competent to understand the meaning

of a separate trial and will not treat all the exhibited documents as proved documents in the case against the present petitioner. Needless to mention that the learned A.C.J.M. and the prosecution may adopt a modality to avoid any confusion with regard to the exhibit numbers of the documents and recorded evidence in the trial against other co-accused persons. In view of the above said observations, I do not think that any prejudice will be caused to the petitioner if he is tried in Regular Criminal Case No.147 of 2002.

13. With the above said observations, I do not find merit in the writ petition. Hence, it is **dismissed**.

(M. W. CHANDWANI, J.)

IN THE COURT OF HON'BLE 2nd ADDL. CHIEF

JUDICIAL MAGISTRATE, NAGPUR

REG. CRI. CASE NO. 147/2002

STATE OF MAHARASHTRA

(Through Ganeshpeth Police Station, Nagpur).....PROSECUTION

// VERSUS //

SUNIL KEDAR & OTHERS

... ACCUSED

APPLICATION UNDER SECTION 207 OF THE
CRIMINAL PROCEDURE CODE, 1973, SEEKING
SUPPLY OF COPIES OF DOCUMENTS, ELECTRONIC
RECORDS, AND MATERIALS SEIZED DURING
INVESTIGATION.

The Applicant / Accused No. 3 named above most respectfully submits as under:

**1. FACTUAL MATRIX AND PENDENCY OF THE SPLIT-
UP TRIAL**

1.1 That the present Applicant/Accused No. 3 is being prosecuted by the Ganeshpeth Police Station, Nagpur, on the

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basis of a complaint filed by the Nagpur District Central Co-op Bank (NDCCB) through its auditor, concerning alleged financial irregularities.

1.2 That the investigating agency initially registered Crime No. 97/2002 for offences punishable under Sections 406, 420, read with 34 of the I.P.C., and subsequently registered Crime No. 101/2002 for offences under Sections 406, 409, 468, 471, 120B read with 34 of the I.P.C. The investigating agency clubbed both crimes and submitted a single, consolidated Charge Sheet No. 150/2002 on 21/11/2002 against the present Applicant and several other co-accused persons.

1.3 That the trial concerning nine of the co-accused persons was separated and has since concluded, resulting in a judgment passed by this Hon'ble Court on 23/12/2023. The present Applicant/Accused No. 3 is now independently facing the present split-up trial for offences punishable under Sections 406, 468, 471, 120B read with 34 of the I.P.C.

1.4 That the prosecution has recently moved this Hon'ble Court to commence the examination of its witnesses. The prosecution is currently examining prosecution witnesses in the

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matter, and the matter is kept further for examining other witnesses by the prosecution.

1.5 That, as recently affirmed by the Hon'ble Bombay High Court, Nagpur Bench in the Applicant's own writ petition (*Sanjay Hariram Agrawal v. State of Maharashtra*, Cr.WP No. 1009/2024, decided on 21 April 2025), this is a separate trial. The evidence must be proven *de novo*, and the Applicant is entitled to strict compliance with Section 207 of the Cr.P.C., as documents exhibited in the previous trial cannot automatically be read against him.

2. DELIBERATE WITHHOLDING OF SEIZED DOCUMENTS AND ELECTRONIC EVIDENCE

2.1 It is submitted that during the extensive, investigation into the alleged transactions, the State CID and various investigating officers seized voluminous data, corporate records, software, hardware, witness statements, and electronic materials (including CDs and Floppies).

2.2 While these materials were seized by way of formal seizure, panchnamas witnessed by several panch witnesses, and form an intrinsic part of the investigative record in the custody

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of the State, the prosecution has completely failed to provide copies thereof to the Applicant.

2.3 Specifically, the Applicant requires the documents filed apart from the charge sheet, and the documents which were seized by way of seizure panchnamas, which include, but are clearly not limited to, the following vital evidentiary materials:

- **(A) Exhibit No. 1362 (from Previous Trial):**
Encompassing Article BB-1 to BB-23, **One (1) CD**, and **Seven (7) Floppies**, seized before Panch witnesses Shri Arun Deshmukh and Shri Rajendra More.
- **(B) Article 3152/A to G:** Seized before Panch witnesses Shri Rumchand Mazi and Shri Ganesh Mahadeo Padwalkar.
- **(C) Exhibit No. 1866 (from Previous Trial):**
Encompassing Article 1866 A-1 to A-32, seized before Panch witnesses Mohd. Iqbal Sheikh and Shri Nirbhay Oza.
- **(D) Exhibit No. 1883 (from Previous Trial):**
Encompassing Article 1883 A-1 to A-27, seized before Panch witnesses Shri Prashant Prabhakar and Shri Arun Joshi.

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- **(E) Exhibit No. 1884 (from Previous Trial):**
Encompassing Article 1884 A-1 to A-12, seized before Panch witnesses Shri Anad Sawant and Shri Ratnakar Sirsat.
- **(F)** Voluminous documents seized during investigations by drawing panchanama by panch witnesses carried out by Shri Hirlal Punjaji Tekam and Shri Nana Daulatrao Kadam.
- **(G)** Voluminous documents seized during investigations by drawing panchanama by panch witnesses carried out by Shri Rajkumar Thutheja and Shri Ajay Ashok Datta;
- **(H)** Voluminous documents seized during investigations by drawing panchanama by panch witnesses carried out by Shri Jitendra Shekhar Shetty and Shri Rajesh Pramodhar Chauhan;
- **(I)** Voluminous documents seized during investigations by drawing panchanama by panch witnesses carried out by Shri Ruchchandani Narsingh Manshi and Shri Ganesh Mahadev Padvalkar.

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- **(J)** Crucial documents sent by Shri Jinesh Vanzara to the Investigating Officer, Mr. Bele, along with his covering letter.

3. GROUNDS FOR ALLOWING THE APPLICATION AND HALTING CROSS-EXAMINATION:-

The Applicant respectfully submits that he will strictly require all these documents for the preparation of his defence and specifically for the preparation of the cross-examination of the prosecution witnesses who are currently deposing before this Hon'ble Court. If copies of these documents are not supplied to the Applicant, there will not be a fair trial, the Applicant will be fatally deprived of the preparation of his defence and cross-examination, and great, irreversible prejudice will cause to the Applicant. The denial of these documents is challenged on the following substantial legal grounds:

GROUND A: INFRINGEMENT OF THE RIGHT TO A FAIR TRIAL

That the fundamental right to a fair trial, enshrined under Article 21 of the Constitution of India, dictates that an accused cannot be forced to face prosecution while blindfolded by the investigating agency. In the landmark case of *V.K. Sasikala v. State*,

(2012) 9 SCC 771, the Hon'ble Supreme Court held that it is an inalienable attribute of the process of a fair trial that the court must concede a right to the accused to have access to papers forwarded to the court by the investigating agency but not exhibited by the prosecution. The Hon'ble Court categorically observed that the scales of justice must be balanced, and a plea of prejudice must be answered at the earliest possible stage, not deferred to the conclusion of the trial.

GROUND B: BINDING MANDATE OF THE SUPREME COURT IN *MANOJ V. STATE OF M.P.*

That the law regarding the mandatory supply of unrelied documents has been unequivocally settled by the Hon'ble Supreme Court in the landmark judgment of *Manoj & Ors. v. State of Madhya Pradesh*, (2023) 2 SCC 353. In paragraphs 208 to 209 of the said judgment, the Apex Court established a binding directive upon all trial courts, explicitly holding:

"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

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exhibits which are not relied upon by the investigating officer. The presiding officers of courts in criminal trials shall ensure compliance with such rules." The prosecution's current suppression of the seized panchnamas, CDs, floppies, and documents is in direct, conflict of this established judicial mandate.

GROUND C: ABSOLUTE RIGHT REAFFIRMED IN *P. PONNUSAMY V. STATE OF TAMIL NADU*

That a three-judge bench of the Hon'ble Supreme Court in *P. Ponnusamy v. State of Tamil Nadu*, 2022 SCC OnLine SC 1543, reaffirmed the imperative of disclosure. The Court held that an Investigating Officer cannot be permitted to ignore or deliberately withhold seized documents, material, or evidence that may possess exculpatory value simply because the prosecution does not wish to rely upon them. The Hon'ble Court clarified that the right of the accused to access such material is self-executing and cannot be disentitled merely because the State has delayed formally adopting the Draft Rules of Criminal Practice. In view of the provision of Section 207 of the Criminal Procedure Code, the applicant is entitled and is having the absolute right to see all these documents which are sought.

37**GROUND D: ELECTRONIC RECORDS ARE
'DOCUMENTS' UNDER SECTION 207 CR.P.C.**

That the CDs and Floppies seized (such as the 1 CD and 7 Floppies in Exhibit 1362) fall squarely within the definition of "document" as defined under Section 3 of the Indian Evidence Act, 1872, read with the Information Technology Act, 2000. It is a settled position of law that the mandatory provision of Section 207 of the Cr.P.C. extends to electronic documents. The failure to supply these digital records cripples the Applicant's capacity to engage forensic experts or formulate a technical defence, rendering the cross-examination of the Investigating Officers and Panch witnesses an empty, unconstitutional formality.

**4. NECESSITY FOR ADJOURNMENT AND POSTING
FOR CROSS-EXAMINATION**

4.1 That in view of the voluminous nature of the withheld documents, the numerous seizure panchnamas, the documents sent by Jinesh Vanjara, and the technical complexity of the electronic evidence (CDs and Floppies), the Applicant will require sufficient and reasonable time to peruse the material, consult with legal and financial experts, and adequately prepare the defence strategy and lines of cross-examination.

4.2 Therefore, considering all these aspects, the application of the applicant needs to be allowed. The applicant needs to be supplied all these documents, and thereafter the matter must be posted for cross-examination only *after supplying of these documents, after three weeks*, so as to enable the applicant to effectively cross-examine the prosecution witnesses and prepare his defence. In the absence of that, the entire trial will be vitiated.

5. PRAYER

In view of the specific facts, circumstances, and authoritative pronouncements of the Hon'ble Supreme Court detailed above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

A. Allow the present application and direct the Prosecution / State to forthwith supply physical copies of all the documents, records, CDs, Floppies, panchnamas by several panch witnesses, documents sent by Jinesh Vanjara to the Investigating Officer, and all other materials specifically mentioned in Paragraph 2.4 of this application, which were seized during the investigation but intentionally withheld and not provided to the Accused;

B. Direct the Prosecution to formally furnish a comprehensive list of all statements, documents, material objects, and exhibits

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seized during the investigation but *not* relied upon by the Investigating Officer, in strict compliance with the mandate of the Hon'ble Supreme Court in *Manoj v. State of M.P.* and *Sarla Gupta v. Directorate of Enforcement*;

C. Postpone and keep the matter for the cross-examination of the prosecution witnesses only after a period of three (3) weeks from the date of the actual supply of the aforementioned documents and electronic records, so as to enable the Applicant to meaningfully prepare his defence and cross-examination without prejudice; and

D. Pass any other order or grant any other relief as this Hon'ble Court may deem fit and proper in the interest of justice, equity, and the guarantee of a fair trial.

Place :NAGPUR

DATE: 12/3/26


CF APPLICANT / ACCUSED

NO. 3

Before Hon'ble 2nd ACTM at

Nagpur

RCC : 147/2002 F/F 25/3/26

At/Anil Kedar.

Reply of Prosecutors on Exhibit 3801

Your Honour.

1. This application is strongly opposed on following grounds.

1. It is pertinent to note that the title given to para no (1) is not just & proper & it only create confusion between split up trial or Separation of trial.

2. It is submitted that this accused have & earlier filed an application before this Hon'ble Court for split up of chargesheet which was rejected by this Court & on 16.4.24 & on 18.11.24 the order of this Court was upheld by Hon'ble Session Court & finally the order of Hon'ble High Court Nagpur bench dismiss the Criminal writ petition in same

- 2] It is pertinent to note further that ~~this~~ in present case the chargesheet was filed came to be filed in presence of this accused & both the chargesheet was received by this accused.
- 3] It is submitted that at the time of receiving both the chargesheet this accused have not taken any objections regarding ~~to~~ that he did not supplied with complete ~~the~~ chargesheet.
- 4] It is pertinent to note further that ~~this~~ this case was ~~sup~~ separated due to the Cr. application no 628/14 it means till 2014 the accused have not raise any objection ~~for~~ so that he did not supplied with the proper document (including electronic documents).
- 5] This accused have not even ~~so~~ mentioned ~~signed~~ single word of not supplying of document with ~~the~~ the chargesheet.

⑥ That in para no 1.5 of the this application that the Hon'ble High Court under Cri wp no 1009/24 have mentioned regarding de novo trial or to strict compliance of Sec 204 CrPc. It is the accused have wrongly interpreted the language of the ~~order~~ order is passed on 21.4.2025.

⑦ That the Hon'ble High Court ~~in its~~ on para no-12 of its order at 8th line stated "Needless to mention that the Learned ACJM & the prosecution may adopt a modality to avoid any confusion with regard to the exhibit exhibit numbers of the documents and recorded evidence in the trial against other co-accused."

⑧ It is also pertinent to note that ~~the~~ the ~~document~~ document which was seized from this accused or from other accused or from the bank

such as fax, Cheques, letters register & other document are seized from their office (i) from Home Trade office or from the bank ~~as~~ (the document which was send by this accused to the bank).

9] As mentioned in para no 2.1 of this application "alleged transactions, Corporate record, software, hardware ~~and~~ & electronic material have seized from their possession & only so far as witness statement is concern, it was already supplied to this accused with main charge sheet & supplementary chargesheet.

10] That the list given by this accused in para no 2.3 ^{is} ~~has~~ not clear as he did not mentioned whether it relate to him or how much it is essential for him.

11] That it is a admitted fact Law that the prosecution needs to supp

The documents including Electronic evidence to the accused up to 207 Crpc before starting the trial but but in this case the copy of chargesheet have already supply to this accused. The document seized from his ~~own~~ possession was signed by the authorised person of his own office who have handed over all the documents.

12) That the Law of Crpc ~~up to 207~~ states that if the document which voluminous the magistrate is restricted to supply the copy & is allow the to inspect the document but in present case the situation is different & the necessary documents were already supplied to this accused.

Hence in view above this application is deemed to be rejected.

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C.V.C. Chawaliya
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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.PC*”) 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.PC. 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.PC. 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.

Nagpur.

Date : 20.04.2026

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

(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)

**IN THE COURT OF HON'BLE 2ND ADD. CHIEF JUDICIAL
MAGISTRATE , NAGPUR**

R.C.C No. 14/2002

STATE OF MAHARASHTRA
//VERSUS//
SUNIL KEDAR AND OTHERS

**APPLICATION FOR SEEKING DOCUMENTS, ELECTRONICS
RECORDS , ITEMS, DATA, STATEMENTS, SEIZED DURING
INVESTIGATION IN VIEW OF ORDER DATED 16/04/26 AND
20/4/2026.**

1. The applicant/Accused No.3 had filed an application u/s 207 on 12.03.26 with a prayer seeking documents which had not been supplied to him and which were not in the charge sheet .
2. In the above application, Learned state/APP has filed Pursis and ready to supply documents mentioned in Application Para No. 2.3 (A) TO (F) of the application filed.
3. The APP later supplied a Pen Drive with 3.50 GB of data to the applicant.
4. After the perusal of all the documents provided in a pen drive given by the APP and data, documents which is specifically mentioned in PURSIS dated 17/04/2026 is not found and accused intimating the court about the documents not found in the Pen Drive supplied by the APP
5. All the documents which have been seized in Seizure No 10 before the Panch Rajendra Gangaram More and Arun Laxmanrao Deshmukh are not found .
6. The comprehensive list of documents not found in point 2.3 (A)) of the application has been attached in the Annexure 1.
7. The above documents are important for the following reasons :

- i. That the seized documents are not merely documents of the prosecution; The Applicant requires the same to reconcile with his own books of accounts.
- ii. That the above documents and data are necessary to establish that the funds were legitimately used for the purchase of Government Bonds / securities and that the purchases were supported by proper contract notes and banking trails and there was no misuse of funds as alleged.
- iii. That the Applicant is entitled to inspect and obtain copies of such documents which are not found, because the said documents are necessary for preparing an effective defence, for filing appropriate replies / applications, and for placing the correct facts before this Hon'ble Court.
- iv. That the seized documents and data which are not found are also necessary for the purpose of confronting prosecution witnesses during cross-examination. The Applicant is required to confront such witnesses with the very documents and records which have been seized and are presently in the custody of the Court / investigating agency.
- v. That unless the entire copies of seized documents and data are supplied to the Applicant, the Applicant will be seriously prejudiced and will not be able to effectively cross-examine the prosecution witnesses or demonstrate the legitimate nature of the financial transactions.
- vi. The seized record as mentioned in the point 2.3 (A) of the application which contains several important documents must be made available to the Applicant so that the defence is not reduced to a mere formality.
- vii. A fair trial requires equality of opportunity, and the Applicant must be allowed to examine, reconcile and rely upon the seized material which demonstrates the legitimate purchase of Government Bonds and the lawful end-use of funds.

8. It may also be noted that court in its interlocutory order dated 16.04.26 , the Court observed that no details of the documents have been mentioned against point 2.3 (F - J) of the application filed u/s 207. Also the court wished to know whether the above documents are a part and parcel of the Charge Sheet .
9. Pursuant to the court's order on 20.04.26 “ *the accused is permitted to inspect the records and proceedings of this case with personally or through his advocate as per proviso of section 207 of CRPC*” , the applicant humbly Prays for inspection such records and proceedings which have not been found as mentioned in point 2.3 (A) of the application and details of which have been annexed in annexure 1.

PRAYER :- In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i. Direct the prosecution / investigating agency / court record section to provide inspection of all seized documents, records, files, digital data, bank documents, contract notes, transaction records and related materials seized from or concerning the Applicant to find the documents which have not been found as per point 2.3(A) of the application.
- ii. To comply with the interlocutory order on 16.04.26, it is Prayed that this court allows the applicant time to provide a list of specific documents under point 2.3 (F- J) of the application filed u/s 207 on 12.3.26 and Pass any other relief this Hon'ble Court may deem fit and proper in the interest of justice.

COUNSEL FOR ACCUSED

MHNG030023772002



RCC No. 3030147/2002

State -- Vs – Sunil & Ors

ORDER BELOW EXH.3819

This is an application made by accused No.3 seeking documents, electronic records, items, data, statements, seized during the investigation in view of orders dated 16.04.2026 and 20.04.2026.

2. In the application, it is contended that, the Ld. APP has filed pursis informing that, the prosecution is ready to supply documents mentioned in para 2.3(A) to 2.3(F) of the application Exh.3801. The Ld. APP has latter supplied a pen drive with 3.50 GB data. However, the documents mentioned in pursis dated 17.04.2026 are not found in the said pen drive. So also, the documents which have been seized under seizure No.10 in presence panch witnesses Rajendra Gangaram More and Arun Laxmanrao Deshmukh are not found. Finally, the accused has prayed for allowing the application.

3. The Ld. Spl. APP has strongly opposed the application by filing reply overleaf of the application. It is submitted that, the accused has received copies of chargesheet as well as supplementary chargesheet. The prosecution has supplied all the documents to the accused in presence of his Ld. Counsel and the accused as per pursis Exh.3810. The prosecution had never informed about supplying documents mentioned in paragraph 2.3(F) of the application Exh.3801. The pen drive was not supplied by the prosecution and the soft copy of entire R&P was supplied by the permission of this Court.

The accused is prolonging the trial. Finally, the Ld. Spl.APP has prayed for rejection of the application.

4. Heard Mr. Pankaj A. Tamboli for accused No.3 and Ld. Spl APP. Perused the record.

5. Accused No.3 had made application Exh.3801 under section 207 of the Code of Criminal Procedure. By order dated 16.04.2026, the accused was directed to make clear whether the documents referred in paragraph 2.3(F) to 2.3(J) are part and parcel of the chargesheet. However, instead of making clear the position, accused No.3 had filed pursis Exh.3814 informing that, some documents are missing in the copies supplied to him. By a detailed order below order dated 20.04.2026 below Exh.3801, the prayers made by accused No.3 in paragraph 5A and 5B of the said application were rejected.

6. The entire record and proceeding of the present case has been scanned for the purpose of the Appeal preferred by the convicted accused persons. In order to expedite the trial against accused No.3, soft copies of the said scanned documents were supplied to accused No.3. In paragraph 8 of the order dated 20.04.2026 below Exh.3801, it is observed that,

*“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."

7. As quoted above, accused No.3 never raised any objection in respect of having received incomplete copies of chargesheet and supplementary chargesheet for more than 22 years. So also, by order dated 20.04.2026 below Exh.3801, accused No.3 has been 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. However, the accused has again made a prayer of inspection of all seized documents, record, files, digital data, bank documents, contract notes, transaction records and related material in the present application without giving any details. As discussed above, the prayers made by accused No.3 vide prayer clauses 5A and 5B have already been rejected. In respect of prayer No.ii, already sufficient time was granted to accused No.3. As such, the present application is

liable to be rejected.

8. Record goes to show that, accused No.3 has been changing his advocates frequently. Record further goes to show that, the trial of the present case against accused No.3 has been **stalled** due to different applications made by accused No.3 one after the other. Accused No.3 is well aware that, the matter has been made time bound by the Hon'ble High Court. The matter is more than **24 years old**. Accused No.3 is expected to co-operate with the Court for conclusion of the trial at the earliest. However, instead of extending co-operation, as discussed above, accused No.3 is designedly delaying the trial. The present application was made at 4.35 p.m., so that, the matter would get adjourned for reply of the prosecution. The present application is nothing but a part of the delaying tactics. Thus, the present application is liable to be rejected with exemplary cost. Hence, order.

ORDER

Application Exh.3819 is rejected with cost of Rs.5,000/- payable by accused No.3 to the D.L.S.A. Nagpur.

Nagpur.
Date : 06.05.2026

MAHESH
VIJAYKUMAR
PHADE
Digitally signed
by MAHESH
VIJAYKUMAR
PHADE
Date: 2026.05.06
11:47:00 +0530
(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)

IN THE COURT OF HON'BLE 2nd ADD. CHIEF JUDICIAL
MAGISTRATE NAGPUR

Reg. Cri. Case No. 147/2002

STATE OF MAHARASHTRA

//VERSUS//

SUNIL & OTHERS

APPLICATION UNDER SECTION 91 OF THE CODE OF
CRIMINAL PROCEDURE, 1973 FOR ISSUANCE OF
SUMMONS / ORDER FOR PRODUCTION OF SEIZED
DOCUMENTS (SEIZURE MEMO NO. 10, CASE PROPERTY
SR. NOS. 1 TO 71) BEFORE THIS HON'BLE COURT.

The Applicant/Accused No.3 name above most respectfully submits as under:-

1. That the Applicant is facing trial in the present case registered by Ganeshpeth Police Station, Nagpur, wherein charges have already been framed and the prosecution is currently examining its witnesses. The matter is at a critical stage of recording of evidence and the Applicant is required to prepare for cross-examination of the prosecution witnesses.
2. That during the course of investigation, the State CID effected no less than 48 (forty-eight) seizures of documents, data, hardware and other material. One of these, being Seizure Memo No. 10, comprised Case Property Sr. Nos. 1 to 71 seized from the residential premises of the Applicant/Accused No. 3, being Flat

at Kusum Apartment, Vashi, Navi Mumbai (hereinafter referred to as "Seizure No. 10 documents").

3. That the Index of the Charge Sheet, which records the location of all seized property, explicitly states that the documents comprising Seizure Memo No. 10 (Case Property Sr. Nos. 1 to 71) are presently lying at the CID Office, Nagpur. Accordingly, Seizure No. 10 documents are in the custody of the State CID and have never been produced before this Hon'ble Court as part of the chargesheet record.
4. That the Applicant submits that the Seizure No. 10 documents are absolutely necessary and indispensable for the purposes of this trial, for the following reasons:
 - a. It is a matter of record that all 71 documents comprising Seizure No. 10 were seized from the personal residential premises of the Applicant. These documents were in the custody of the Applicant. They include books of accounts, transaction records, correspondence, and other material that directly pertain to his version of events. It would be a fundamental travesty of justice if the investigating agency were to seize documents from the accused's own premises and access to those very documents is denied during his trial.

- b. The prosecution has examined and is continuing to examine witnesses. Effective cross-examination requires that the Applicant be in a position to confront the prosecution witnesses with the documents in the investigating agency's possession that contradict or qualify the prosecution's case. The Seizure No. 10 documents being 71 documents seized from the Applicant's residence contain material that can be put to prosecution witnesses during cross-examination. Without these documents before the Court and in the hands of the Applicant, cross-examination is necessarily incomplete and prejudiced.
- c. The prosecution's case rests substantially upon a forensic audit report. The Applicant's case is that the audit report is based on a selective and partial examination of records; that it ignores several documents which conclusively demonstrate that the funds in question were legitimately deployed for the purchase of Government Securities, backed by proper contract notes, banking trails, securities delivery records and correspondence with regulatory bodies. It is submitted that some of the exculpatory material is in all likelihood part of the 71 documents of

Seizure No. 10. These documents must be placed before the Court so that the truth can emerge.

- d. The Applicant has no independent access to documents that have been seized by the State. Once the State exercises its power of seizure, the documents pass entirely into the custody and control of the investigating agency. The Applicant cannot obtain these documents from any other source. The only mechanism available to ensure their production before the Court is an order under Section 91 of the Cr.P.C.
 - e. The prosecution, in the exercise of its discretion, has chosen not to rely upon or produce the Seizure No. 10 documents before this Court. However, the fact that the prosecution does not rely upon these documents makes them no less relevant or no less necessary for the defence. It is well-settled that documents in the custody of the State that are not relied upon by the prosecution but are relevant to the defence must be produced before the Court.
5. That the present application is specific in its request. The Applicant is seeking production of documents seized with Seizure Memo No. 10, Case Property Sr. Nos. 1 to 71 whose existence, contents (71 documents), location (CID Office,

Nagpur), and the identity of the person from whom they were seized (the Applicant himself) are all recorded in the Index of the Charge Sheet. There is therefore no ambiguity as to what is being sought or where it is. The CID, Nagpur can with ease identify and produce these documents pursuant to an order of this Court.

6. That Section 91 of the Code of Criminal Procedure, 1973 empowers this Hon'ble Court to issue a summons or order to any person in whose possession or power any document or thing is considered necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding, to produce the same before the Court.
7. That the Applicant respectfully submits that the power under Section 91 Cr.P.C. is a tool for the Court to ensure that the truth emerges in the proceedings before it. The withholding of documents seized from the accused's own home from the Court and from the accused during an ongoing trial not only prejudices the defence but also deprives the Court itself of potentially material evidence. An order under Section 91 in the present facts is warranted in the interests of justice and for ensuring a fair and complete trial.
8. The Applicant reserves the right to make a subsequent application or applications, as may be necessary, praying for the

summons to produce other seizure attachments or other appropriate relief that may be subsequently found to be relevant and necessary or come to the knowledge of the Applicant during the pendency of the present proceedings.

9. That the present application is bona fide and made strictly in the interest of justice.

PRAYER:- It is therefore most respectfully prayed that this Hon'ble

Court may be pleased to:

A. Issue appropriate summons / order under Section 91 of the Code of Criminal Procedure, 1973 to the State CID, Nagpur, directing it to forthwith produce before this Hon'ble Court all documents comprising Case Property Sr. Nos. 1 to 71 of Seizure Memo No. 10, as recorded in the Index of the Charge Sheet in RCC No. 3030147/2002;

B. Upon production, the Applicant/Accused No. 3 and his Advocate be provided copies of all the said 71 documents;

Pass such other and further orders as this Hon'ble Court may deem fit in the interest of justice.

ACCUSED NO.3**COUNSEL FOR ACCUSED NO.3****SOLEMN AFFIRMATION**

I SANJAY HARIRAM AGRAWAL, Age 59 years, Occ: Business
Residing at 7 Hari Sava Street, Kidderpore, Kolkata, 700023 do
hereby takes an oath and states on this Solemn Affirmation that the
contents of the above said paras of Application are true and correct to
the best of my knowledge and belief, it read over to me in a vernacular
language known to me. Hence, signed on this th May 2026 at Nagpur
.

DEPONENT**I know and identify the deponent****PANKAJ A. TAMBOLI**
(ADVOCATE)

Before Hon'ble 2nd ACJM at
Nagpur

Case 1147/2002 F/F 21/5/26
At/Sunil Kedar

Reply of application filed by
accused no. 3 for issuance of summons
to u/s 91 of CrPc

Your Honours,

This application is strongly opposed
on following ground:-
1] That there is no such provision
in Criminal Procedure Code for
for accused u/s 91 for issuance
of summons to production of docu-
ment at the stage of evidence
of Prosecution.

2] It is submitted that though the
Section 91 of CrPc empowers to
summons & order to any person in
whose possession or power any
documents or things considered
necessary or desirable for the
purpose of any investigation, inquiry
or trial or other proceeding to
produce the same before the Court

(2)

3] It is pertinent to note that the accused no-3 himself stated in his application at para- no-5 that "document seized with the seizure memo no-10, Cox property Sr. No-1 to 71 whose existence, contents (71 documents)... are all recorded in the index of the Charge sheet:

4] In view of above para it is crystal clear that this accused have knowledge that the CID have already filed the said document along with the chargesheet. at Sr-no-13 of seizure list.

5] Further seizure was already marked as Exh-1361 in earlier trial.

6] It is submitted that this chargesheet copy was received by this accused on dt 22.11.02 wherein the complete set of document along with charge sheet has been supplied to this accused w/s copy at early stage of framing of charge of this accused along with the accused

③

whose case was already decided by this court

1] Since then till today this accused have not taken any objection ~~regarding~~ regarding the not supplying of document or full chargesheet.

2] Now upon the Law point

1] Sec 91 Crpc is dealt with empowerment of the Court to issue a summons or order to any person in whose possession & power the document or thing is.

Now Honours

It is pertinent to note that the document of fee which the accused seeking direction summons or order is in possession of this Hon'ble court itself & is already marked Exhibit 1361 during earlier.

2] In view above the documents have already filed by the CID in court & hence Sec 91 of Crpc does not attracted.

(4)

cup

3) Further more a Section 91 is only application ~~which~~ applicable when the document is in possession of any person & it is very necessary for proper adjudication of the case. On present case this section is not applicable as such the document is already in custody of this Hon'ble court.

4) Further more the accused cannot invoke his right at any stage of proceeding i.e. Investigation, enquiry or trial.

In State of Orissa v/s Devendra Nath Padhi (2005) 1 SCC 568 Held that the law laid down that the accused is entitled to file an application u/s 91 CrP only at the stage of defence evidence & not before that.

a) In view of above reply on facts & law, it is to be noted that the document is presently

5

Under the Custody of this Hon'ble Court and not under the Custody of police. moreover the police have already filed the documents which is accused is seeking summons with the Chargesheet & is part & parcel of the record hence the question of summoning to CIP does not arise as per section 91 of CrPc.

b) Secondly the accused ~~is~~ cannot invoke the ~~it~~ under section 91 of CrPc for the document which are placed on record & ~~is~~ which can be inspect by the accused.

c) Thirdly the accused can only invoke his right when he will enter in defense evidence if any.

d) Hence this application is filed by accused only to prolong the case & to consume Court's precious time of this Hon'ble Court & therefore this application is devoid of merit & hence deserve to be rejected.

Cr. Mawallyo -
Spl. APP

MHNG030023772002



RCC No. 3030147/2002

State -- Vs – Sunil & Ors

ORDER BELOW EXH.3832

The present application is filed by Accused No.3 under Section 91 of the Code of Criminal Procedure, seeking the issuance of summons/directions to the State CID, Nagpur, for the production of documents seized under Seizure Memo No.10, comprising Case Property Sr. Nos.1 to 71.

02. The applicant's case is that during the course of the investigation, the State CID seized 71 documents from his residential premises at Kusum Apartment, Vashi, Navi Mumbai, under Seizure Memo No. 10. According to the applicant, although the charge-sheet index reflects that the said documents are in the custody of the State CID, Nagpur, they have neither been produced before the Court nor supplied to him along with the charge-sheet papers. It is contended that the said documents are necessary for conducting an effective cross-examination of prosecution witnesses and for establishing his defence.

03. According to him, the prosecution case is substantially founded on a forensic audit report, whereas the seized documents allegedly demonstrate that the funds in question were legitimately invested in Government Securities and are supported by contract notes, banking records, delivery records and correspondence with regulatory authorities. It is further contended that the documents are

in the exclusive custody of the investigating agency and, therefore, appropriate directions under Section 91 of the Cr.P.C. are required for their production before the Court and for the supply of copies to the applicant.

04. The learned Special Public Prosecutor opposed the application by filing a reply at Exh.3839. It is contended that the application is not maintainable under Section 91 of the Cr.p.c. It is further submitted that the applicant had already received copies of the charge-sheet and the supplementary charge-sheet under Section 207 of the Cr.P.C. on 22.11.2002. According to the prosecution, the seizure panchanama pertaining to Seizure Memo No.10 has already been exhibited at Exh.1361 during the trial against the co-accused, and the documents referred to therein were part of the record. It is further submitted that the present application has been filed after an inordinate delay of about 22 years and solely to protract the proceedings.

05. Heard learned Advocate Shri Pankaj Tamboli for Accused No. 3 and learned Special Public Prosecutor Smt. V.C. Chawariya. Perused the application, reply and record.

06. The applicant's principal contention is that the documents covered by Seizure Memo No.10 have not been supplied to him and are required for his defence. However, the record shows that the seizure panchanama in respect of Seizure Memo No.10 has already been exhibited at Exh.1361 during the course of trial (for the earlier accused). The documents referred to therein as Article AA-1 to AA-71 form part of the record of the case.

07. It is pertinent to note that the applicant received copies of the charge-sheet and the supplementary charge-sheet long back and, for more than two decades, did not at any point raise any grievance regarding non-supply of documents. The record further reveals that the entire proceedings and documents were scanned for the purpose of preparing paper books in connection with appeals preferred by the previously convicted accused persons. In the order passed below Exh.3801, as well as the order dated 20.04.2026 below Exh.3819, it has been specifically observed that the entire record of the case had been scanned and preserved.

08. The fact that the documents mentioned in Seizure Memo No.10 were marked as Article AA-1 to AA-71 and were part of the trial record clearly indicates that they were on record. In view of the material available before the Court, the contention that the documents were never produced before the Court cannot be accepted.

09. It is also significant that the present case is more than twenty-four years old and is now at the stage of recording evidence against Accused No.3. The record further reflects that, on several occasions, the progress of the trial has been delayed due to applications filed by Accused No.3. The present application has been filed at a highly belated stage, without any satisfactory explanation for the delay.

10. The power under Section 91 of the Cr.PC. is undoubtedly wide and can be exercised when the production of a document is necessary or desirable for the purpose of trial. However, this power

need not be invoked when the documents sought are already part of the judicial record and have been made available during the course of proceedings. In the present case, the material on record shows that the documents referred to in Seizure Memo No. 10 were already brought on record and formed part of the case papers. Accordingly, no case is made out for the issuance of fresh summons to the State CID, Nagpur, for the production of the same documents.

11. The judgment relied upon by the learned counsel for the applicant in *Muhammad Rahim Vs. Emperor, 1935 Cri.L.J. 581*, is distinguishable on facts and does not assist the applicant in the present case's peculiar circumstances.

12. In view of the foregoing discussion, I do not find any merit in the application. The application appears to have been filed at a belated stage, despite the documents being part of the record, and therefore deserves to be rejected.

ORDER

1. The application below Exh.3832, filed by Accused No.3 under Section 91 of the Code of Criminal Procedure, is hereby rejected.

2. Proceed with the trial.

Nagpur.

Date : 19.06.2026

MILIND
SUBHASH
TODKAR

Digitally signed by
MILIND SUBHASH
TODKAR
Date: 2026.06.19
17:46:22 +0530

(M.S. Todkar)

2nd Addl Chief Judicial Magistrate,
Nagpur.

Nagpur Seizure List – Status

Seizure Documents missing in the Pen Drive provided by court

Seizure List	Documents not found which were seized and mentioned in charge sheet
1	Not readable in charge sheet . Need clear copy
2.	Documents no 8-12 in this seizure missing
3	Some documents missing
4.	Documents found
5.	Documents found
6	Not readable in the charge sheet
7.	Not found
8.	Found
9	Found
10.	Not found
11.	Documents missing no 8-16 and 14-22
12	Found
13	Cheques as part of this seizure not found
14	Found
15	Found
16 – 39	Laptops , Hardware etc
49	Approximately 105 bank accounts in various banks in Mumbai held in the name of Hometrade and its associate companies have been frozen and statements of accounts showing credits and debits from those accounts have been obtained from the concerned banks by issuing notice u/s 91 of CRPC. THE DETAILS OF THE BANK ACCOUNTS ANNEXED WITH KETAN CHOKSI REPORT . THESE 105 BANK STATEMENTS NOT RECEIVED OR SEEN WITH THE KETAN CHOKSI REPORT
	Details of all bank accoutns and ledgers of Hometrade and its 29 associate companies handover by the Auditor of Hometrade Mr Jinesh Vanzara not found

तपासणीच्या वेळी परत मिळविलेल्या / जप्त केलेल्या आणि अवलंबून राहिलेल्या मालमत्तेचा/ वस्तुंचा तपशिल

अ.क्र	मालमत्तेचे वर्णन	अंदाजीत मुल्य	पो.स्टे. मालमत्ता नोंदवही क्रं.	कोणाकडून/ कोठून परत मिळविली किं जप्त केली	विल्हेवाट
१	२	३	४	५	६
१.	जप्तीपत्रक क्रं.१ मधील अनु- क्रं.१ ते २५ अध्यक्षाच्या मंजुरीच्या नोटशिट, नोटशिट क्रं. १ ते ४३ पर्यंत (दस्तावेज)	००.००	-	श्री. शेषराव श्यामराव गोडे प्रभारी व्यवस्थापक, एनडीसो- सोबो, नागपूर	दोषारोप पत्रासह
२.	जप्तीपत्रक क्रं.१ मधील कॉन्ट्रक्ट नोट्स, होल्डींग खर्चो (दस्तावेज)	००.०० ००.००	- -	--- " --- --- " ---	हस्ताक्षर तज्ञाकडे परोक्षणास्तव अनुक्रं.३,६,११,९ १७,१४,२९,३२ गु.अ.वि.कार्या.
३.	जप्तीपत्रक क्रं.१ मधील झेरोक्स चेकस एकुण-११ (दस्तावेज)	००.००	-	--- " ---	गु.अ.वि.नागपूर कार्यालयाकडे
४.	जप्तीपत्रक-२ मधील मुद्येमाल-१ ते १३ पर्यंत (दस्तावेज)	००.००	-	श्री.मधुकरराव भैय्याजी वखरे “ब”वर्ग अधिकारी, एनडीसो- सोबो, नागपूर	गु.अ.वि.नागपूर कार्यालयाकडे
५.	जप्तीपत्रक-३ मधील कॉलम क्रं.७ मधील अनुक्र १ ते ३३ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	-	श्री. शेषराव श्यामराव गोडे प्रभारी व्यवस्थापक, एनडीसो- सोबो, नागपूर	गु.अ.वि.नागपूर
६.	जप्तीपत्रक-४ मधील अनुक्रं. १ ते ५ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	-	श्री. आनंद अन्सारी, प्रशासकीय अधिकारी, होम ट्रेड, मुंबई	गु.अ.वि.नागपूर कार्यालयाकडे
७.	जप्तीपत्रक-५ मधील कॉलम क्र. ७ मधील अनुक्रं १ ते ५ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	-	श्री. सिध्दार्थ रामचंद्र सिंग वय ३५ वर्ष, सिनियर सब ऑडिटर, होम ट्रेड, मुंबई रा.सानपाडा, सेक्टर नं.१० घर नं. २/८, नवी मुंबई	गु.अ.वि.नागपूर कार्यालयाकडे

८.	जप्तीपत्रक-६ मधील अनुक्रं. १ ते २० पर्यंतचा मुद्येमाल तसेच अनुक्रं १ ते १४ पर्यंतचा मुद्येमाल तसेच अनुक्रं. १ ते ३ पर्यंतचा मुद्येमाल (मारोती इस्टीम, क्रं.एमएच.०१यु.१०३८, क्र.एमएच.०१ यु.५१०३, ओपेल क्र.एमएच.०१- वाय-८३८७ एकुण ३ कार	६,११,०००/-	पोस्टे.वाशी नवी मुंबई येथे एकुण ३ कार जमा	श्री. हरीराम हनुमानप्रसाद अगरवाल, वय वर्ष रा.सेक्टर नं. १७ कुसुम अपार्ट ७ वा माळा, वाशी नवी मुंबई	कॉलम क्रं.४ प्रमाणे
९.	जप्तीपत्रक-६ मधील अनुक्रं. १ सोनीचा लॅपटॉप	५०,०००/-	पोस्टे.गणेशपेठ नागपूर शहर माल- क्रं. १३७/२००२(२) दि.८.११.२००२	...''...	पोस्टे.गणेशपेठ नागपूरचे मालखान्यामध्ये जमा
१०.	जप्तीपत्रक-७ मधील अनुक्रं. १ ते २७ मधील (दस्तावेज)	००.००	---	श्री. शैलेश हरी किसनदास मेहता, रा. मुंबई गिल्टेज कंपनीचे डिलर्स	गु.अ.वि.नागपूर कार्यालयाकडे
११.	जप्तीपत्रक-८ मधील अनुक्रं. १ ते ३ मधील जप्त मुद्येमाल	१०१,०००/-	माल नं. १४६/०२ दि.२२.११.०२	अनीव अंसारी, वय ४० रा.मुंबई	पोस्टे.गणेशपेठ येथील माल- खाण्यात जमा
१२.	जप्तीपत्रक-९ मधील १) १४५.०० डॉलर्स (अमेरिकन) एकुण १००-१, २०-२, १-५ अश्या एकुण ८ नोट्स	११,०००/-	पोस्टे.गणेशपेठ नागपूर शहर माल नं. १३८/०२ दि.१२.११.२००२	श्रीमती कमलादेवी शंकरलाल त्रिवेदी रा.खंडुभाई देसाई मार्ग विलेपार्ले, मुंबई	पोस्टे.गणेशपेठ नागपूर शहर चे मालखाण्यात जमा
२) एम पॉमटॉप,					
३) अ.क्रं. १ ते ४ व ६ ते ३२ पर्यंतचा मुद्येमाल(दस्तावेज)	००.००	--	...''....	गु.अ.वि.नागपूर कार्यालयाकडे	
४) एक मारोती कार-८०० क्रं.एमएच.०१-एस- ४३९८					

१३.	जप्ती क्रं १० मधील अनुक्रं. १ ते ७१ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	--	आरोपी संजय हरीराम अगरवाल वय ३७ वर्ष रा.कुसुम अपार्टमेंट, वाशी नवी मुंबई.	गु.अ.वि.नागपूर कार्यालयाकडे
१४.	जप्ती क्रं ११ मधील अनुक्रं. १ ते २३ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	--	...''...	गु.अ.वि.नागपूर कार्यालयाकडे
१५.	जप्ती क्रं १२ मधील अनुक्रं. १ ते २४ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	--	श्री शिवशंकर रघुनंदन पांडे, राह.७१, बोआरबोबो रोड, बस रोड ४ था माळा खोली -६२५ कोलकाता	गु.अ.वि.नागपूर कार्यालयाकडे
१६.	जप्तीपत्रक क्र.१३ मधील टनक्रं. १ व ८ ते १२ तसेच १५, १६, १८ ते ४० पर्यंतचा (दस्तावेज)	००.००	--	श्री शिवसिंग साइसिंग बिघोत रा. वर्ग १ अधिकारी, महाराष्ट्र स्टेट कॉ.बँक, कोट, मुंबई	हस्ताक्षर तज्ञाकडे परोक्षणास्तव
	अनुक्र. २ ते ५ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	--	...''...	दोषारोप पत्रासह
	अनुक्रं. ६, ७, १४, १७ मुळ चेकस	००.००	--	...''...	गु.अ.वि.नागपूर कार्यालयाकडे
१७.	जप्तीपत्रक क्र. १४ मधील अनु.क्रं. १ ते २७ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	--	आरोपी केतन कांतीलाल सेठ वय ४० वर्ष रा. विलेपार्ल मुंबई	...''...
१८	जप्तीपत्रक क्र. १५ मधील कॉलम क्रं. ७ मधील अनुक्र १ ते ५ पर्यंतचा मुद्येमाल (दस्तावेज)	००.००	--	श्री सुरेश दामोदर पेशकर वय ६२ वर्ष, रा. ६० ब जयप्रकाशनगर खामला रोड नागपूर	दोषारोप पत्रासह
१९.	जप्तीपत्रक क्र. १६ मधील १) सीडी-७, १ फ्लॉपी २) फॅक्स संदेश क्र. ४४४१३- ०५ एमडीसीसीबी चे लेटर हेडवरील रिडोकेट मॅनेजमेंट ला दिलेले पत्र ३) होम ट्रेड चे लेटर हेडवर अगरवाल चे सहीचे सिडीकेट	००.००	--	श्री सुरेशकुमार महेन्द्रभाई परमार, वय २२ वर्ष रा. अहमदाबाद	गु.अ.वि.नागपूर कार्यालयाकडे

२०.	जप्तीपत्रक क्र.१७ मधील कॉलम क्रं.७ मधील दस्ताऐवज कॉलम ७ मधील अनुक्रं.१ वर दस्ताऐवज	००.००	--	श्रीमती मिना श्रीप्रकाश पोद्दार वय ४५ वर्ष रा. पो-११, देवेन्द्र दत्ता लेन, कोलकाता	हस्ताक्षर तज्ञाकडे परिक्षण करीता गुअवि नागपूर कार्यालयाकडे
२१.	जप्तीपत्रक क्र.१८ मधील कॉलम क्रं. ७ मधील दस्ताऐवज	००.००	--	श्रीमती शशी महेन्द्र अग्रवाल रा. २ जे जजेस मोड, मोमिनपूर कोलकाता	हस्ताक्षर तज्ञाकडे परिक्षणाकरीता
२२.	जप्तीपत्रक क्र.१९ मधील कॉलम क्रं.७ मधील दस्ताऐवज	००.००	--	श्री नत्थुजी गोविंदराव आवारी रा. १४० शिर्डोनगर, मानेवाडा रोड, नागपूर	गु.अ.वि.नागपूर कार्यालयाकडे
२३.	जप्तीपत्रक क्र.२० मधील १) नोकिया कं.चा मोबाईल फोन २) १ हॅवलेट कं.मॉनिटर प्रिन्टर स्कायनर, सीपीयु की बोर्ड, माउस, २ स्पीकर पावर कॉट	६३,०००/-	पोस्टे. गणेशपेठ नागपूर माल क्रं. ७०/०२(१) दि.१६.७.२००२	श्री दामोदर सोहनलाल बलदुआँ वय ३२ वर्ष रा.ए-१/३०२ वर्तकनगर विधान कॉम्प्लेक्स ठाणे (प)	पोस्टे गणेशपेठ येथे मालखान्या मध्ये जमा करण्यात आले
२४.	जप्तीपत्रक क्र.२१ मधील कॉ.क्र.८ मधील अक्र १ ते ९ चा मुद्येमाल	८६,६००/-	पोस्टे. गणेशपेठ माल क्रमांक ७०/०२(२)	श्री जयकुमार रसीकलाल मेहता वय ३९ वर्ष रा.हरीओम अपार्ट सी-१०३, आनंदनगर बगीच्या चे बाजुला वसई रोड, प.ठाणे	पोस्टे गणेशपेठ येथे मालखान्यात जमा
२५.	जप्तीपत्रक क्र.२२ मधील कॉ.क्रं. ७ मधील अनुक्र. १ ते ३ मधील मुद्येमाल	१,७७०००/-	पोस्टे. गणेशपेठ माल नं.७०/०२ (३) दि.१६.७.०२	श्री विनोद बालकृष्ण मेनन वय ३२, रा.सी-४०३, पीएनटी स्टॉफ मित्रमंडळ सोसा. चकाला, अंधेरी (पू) मुंबई	पोस्टे गणेशपेठ येथे मालखान्यात जमा करण्यात आला
२६.	जप्तीपत्रक क्र.२३ मधील कॉ.क्रं.७ मधील अनुक्रं. १ ते ३ मधील मुद्येमाल	५६०००/-	पोस्टे. गणेशपेठ माल नं.७०/०२ (४) दि.१६.७.०२	श्री मुकेशचंद्र रमेशचंद्र सोमाणी वय ३१, रा.२३ पंढा सोसा.सेक्टर नं.२९, वाशी, नवी मुंबई	...''...
२७.	जप्तीपत्रक क्र.२४ मधील कॉ.क्रं.८ मधील अनुक्रं. १ ते ४ मधील मुद्येमाल	१,९८०००/-	पोस्टे. गणेशपेठ माल नं.७०/०२ (५) दि.१६.७.०२	श्रीकांत नाथ शर्मा वय ३७, रा.ए/०२, देदतिर्थ शितल सर नाका पोरबंदर रोड, मनपाडा ठाणे (प)	...''...

२८.	जप्तीपत्रक क्र.२५ मधील कॉ.कं.७ मधील अनुकं. १ ते ३ मधील मुद्येमाल	१, ६३०००/- पोस्टे. गणेशपेठ माल नं.७०/०२ (६) दि.१६.७.०२	श्री बिसेन उदय गाडा वय ३१, रा.पोरबंदर वाला इस्टेट १४१-बी, माझगांव मुंबई	...''...
२९.	जप्तीपत्रक क्र.२६ मधील अनुकं. १ ते ४ मधीलचा मुद्येमाल	१, २००००/- पोस्टे. गणेशपेठ माल नं.१३७/०२ दि.८.११.२००२ (२ व ३)	श्री पियुष शर्मा व्हाईस प्रेसिडन्ट, होम ट्रेड मुंबई	...''...
	जप्तीपत्रक क्र.२६ मधील अनुकं. १ मधील मुद्येमाल	२५०००/-	श्री पियुष शर्मा व्हाईस प्रेसिडन्ट, होम ट्रेड वाशी नवी मुंबई	पोस्टे गणेशपेठ येथे मालख्राण्यात जमा करण्यात आला
३०.	जप्तीपत्रक क्र.२७ मधील अनुकं. १ लॅपटॉप, २ नोकीया क.चा मोबाईल हॅड सेट	१,५०,०००/- पोस्टे. गणेशपेठ माल नं.१३७/०२ (४) दि.८.११.०२	श्री जे राजगोपाल व्यवस्थापक संचालक वेज इंडिया लि.वाशी नवी मुंबई	...''...
३१.	जप्तीपत्रक क्र.२८ मधील अनुकं. १ नोकीया कं.चा मोबाईल हॅड सेट, १ पाम- टॉप	२०,०००/-	श्रीमती संध्या चितळे, होमट्रेड कं. येथील अधिकारी	...''...
	अनुकं. २ मधील १ लॅपटॉप १ पाम टॉप	१,१५,०००/- पो.स्टे. गणेशपेठ माल नं.१३७/२ (५) दि.८.११.०२	श्रीमती शिल्पा जोगळेकर होमट्रेड लि.कं.वाशी नवी मुंबई (व्हाईस प्रेसिडेंट, न्युज)	...''...
	अनुकं. ३ मधील १ लॅपटॉप १ पाम टॉप	१,१५,०००/- पो.स्टे. गणेशपेठ माल नं.१३७/२ (६) दि.८.११.०२	श्री.विवेक लुथरा होमट्रेड लि.कं.वाशी नवी मुंबई (व्हाईस प्रेसिडेंट)	...''...
	अनुकं. ४ मधील १ लॅपटॉप १ पाम टॉप, १ नोकीया कं.	१,२०,०००/- पो.स्टे. गणेशपेठ माल नं.१३७/२ (७) दि.८.११.०२	श्री. मौलिक शहा, कर्मचारी होमट्रेड लि.कं.वाशी नवी मुंबई	...''...

३२	जप्तीपत्रक क.२९ मधील अनुकं १ ते ४ मधील मुद्येमाल	१,४५०००/-	माल नं. १३७/०२ (८)दि.८.११.०२	श्री राजेन्द्र वंसत विरकर असो.मॅनेजर,होमट्रेड वाशी, मुंबई.	..''...
३३.	जप्तीपत्रक क.३० मधील अनुकं. १, २ मधील लॅपटॉप १ नोकिया कं. हॅन्डसेट	१,१५०००/-	पोस्टे. गणेशपेठ माल न.१३७/०२ (९) दि.८.११.०२	श्री हेमंत रत्नाकर व्हाईस प्रेसिडेंट, होमट्रेड लि. वाशी, नवी मुंबई	पोस्टे गणेशपेठ येथे मालखान्यात जमा करण्यात आला
३४.	जप्तीपत्रक क.३१ मधील अनुकं. १ मधील १लॅपटॉप	१,०००००/-	पोस्टे. गणेशपेठ माल न.१३७/०२ (१०) दि.८.११.०२	श्री मनिष अगरवाल सहा.व्हाईस प्रेसिडेंट, होमट्रेड लि. वाशी, नवी मुंबई	पोस्टे गणेशपेठ येथे मालखान्यात जमा करण्यात आला
	अनु क.२ मधील १ लॅपटॉप, १ पामटॉप	१,०५०००/-	माल नं. १३७/०२ (११)दि.८.११.०२	श्री विक्रान्त कन्याल व्हाईस प्रेसिडेंट,होमट्रेड वाशी,नवी मुंबई.	..''...
	अनु क.३ मधील १ लॅपटॉप,	१,०००००/-	माल नं. १३७/०२ (१२)दि.८.११.०२	श्री विनायक हरळोकर होमट्रेड वाशी,नवी मुंबई.	..''...
	अनु क.४ मधील १ लॅपटॉप, १ पामटॉप १ मोबाईल हॅन्डसेट नोकिया	१,२००००/-	माल नं. १३७/०२ (१३)दि.८.११.०२		..''...
३५.	जप्तीपत्रक क.३२ मधील कॉ.क,७ मधील १ लॅपटॉप	१,०००००/-	माल नं. १३७/०२ (१४)दि.८.११.०२		..''...
३६.	जप्तीपत्रक क.३३ मधील अनुकं. १ ते ३९९ पर्यंतचा	६,८८,२४,०००/-	-----		सदर मुद्येमाल होमट्रेड लि.वाशी नवी मुंबई इंटरनॅशनल इन्फोटेक पार्क, टॉवर न.३, ५ माळा येथे सिल करून ठेवण्यात आले.
३७.	जप्ती क.३४ मधील अनुकं. १ ते ५७ मधील	२०,५९,०००/-	---	संतोष गुप्ता असी. मैनेजर अकाउंट होमट्रेड	होमट्रेड कं. लि. मित्तल कोर्ट

मुद्येमाल				लि.कं. वाशी, नवी मुंबई	नरिमन पॉईंट मुंबई येथील कार्यालयात सिल करून ठेवण्यात आले
३८. जप्ती क्र.३५ मधील अनुक्र.१ ते ९ मधील मुद्येमाल	१६,३०,०००/-	---	---		होमट्रेड कं. वाशि प्लाझा, बिपींग ऐनेकझोग २ रा माळा, एनेक्सो-१ या कार्यालयात सिल करून ठेवण्यात आले.
३९. जप्ती प क्र.३६ मधील अनुक्र.१ ते २९ मधील मुद्येमाल	९७,००,०००/-	---	---		आरोपी संजय अगस्वाल यांचे फ्लॅट क्र.९०१, ९०२ , ९०३ सोवूड इस्टेट , एन आर.आय. कॉम्प्लेक्स वाशी नवि मुंबई येथे सिल करून ठेवण्यात आले.
४०. जप्ती प क्र.३७ मधील अनुक्र. १ ते १७ मधील मुद्येमाल	२,७५,०००/-	---	---		होमट्रेड कं.लिमी ठक्कर टॉवर वाशि नवि मुंबई येथील कार्यालयात सिल करून ठेवण्यात आले
४१. जप्ती प.क्र.३८ मधील अनुक्र. १ ते ९ तसेच १ ते २२ आणि अनुक्र.१ ते ७ मधील दस्तावेज	११ लाख रु.चे बॉन्ड्स, सेक्युरिटोज बाबतचे प्रमाणपत्रे ००.००	---		विनोद बालकृष्ण मेनन, मित्तल कोर्ट रा. गुन्हे अन्वेषण वि.ऐ/१४३/१४ होमट्रेड कंपनीचे कार्यालय नागपूर येथे कार्यालय जमा मुंबई येथुन जप्त करण्यात आले.	
४२ जप्तीपत्रक क्र.३९ मधील अनुक्र. १ ते ३० मधील दस्तावेज	००.००	---		होमट्रेड कं.चे कार्या. इंफोटेक पार्क टावर ३,५ वा माळा वाशि नवि मुंबई येथुन संजय निरंजन वोक्स याचे कडुन	..''... सदरचा दस्तवेज लेखा परिक्षक तपासणीकरीता

४२.	जप्तीपत्रक क्रं.४० मधील लिक्व् अॅण्ड लायसन्स च्या प्रति	००.००	---	...'' ...	गु.अ.वि.कार्यालय नागपूर कडे
४३.	जप्तीपत्रक क्रं.४१ मधील अनुक्रं १ ते ४ मधील दस्ताऐवज रजिस्टर	००.००	---	होमट्रेड कंपनीचे नरीमन पॉईंट मित्तल कोर्ट येथील कार्यालयातून केतन रमेशचंद्र तस्करीया यांचे कडून	सदरचा दस्ताऐवज लेखा परिक्षक याचेंकडे तपासणी करीता
४४.	जप्ती क्रं.४२ कॉ.क्रं.७ मधील अ.क्रं. १ ते ३ मधील मुद्येमाल	६१,०००/-	माल नं.१४३/०२ दि.२२.११.०२	दे डेरल डिसुजा	पोस्टे.गणेशपेठ येथील मालखा- ण्यात जमा
४५.	के.राजगोपाल यांनी आरोपीकडून घेतलेले लोन परत केल्याचा डीडी क्रं. ७६७६०२ आयसीआयसीआय बँक एफ.पी.बँक नरीमन पॉईंट, मुंबई	४,३०,०००/-	---	जे.राजगोपाल यांचे कडून	भारतीय स्टेट बँक रविनगर शाखा, नागपूर येथील खाता क्र.४५७ मध्ये दिनांक २०.११.०२ ला जमा केले.
४६.	जनता सह.बँक कोर्ट मुंबई येथे सिंडीकेट मॅनेजमेंट सर्व्हि.क्रं. चे संचालकांनी खाता क्रं. २८६९ उघडतेवेळी दिलेले आवेदनपत्र ज्यावर आवेदकाचे फोटो सहया आहेत, जप्ती क्रं. ४३	००.००	--	श्री श्रीकांत सोमेश्वर देशपांडे राह.बाजार दादर, सहा.मॅनेजर जनता सह.बँक मुंबई	हस्ताक्षर तज्ञ यांचे कडे परोक्षणास्तव
४७.	जनता सह.बँक कोर्ट मुंबई येथुन इंद्रमणी मचेंट क्रं. व सॅच्युरी डिलर्स कंपनी चे संचालकांनी खाता क्रं.२८१४ व २८११ ज्यावर सिग्नेटरी म्हणून महेंद्र अगरवाल व प्रकाश पोद्दार यांचे सहया व फोटो	००.००	---	---''---''---	दोषारोप पत्रासह

लागलेले आवेदन फार्म
इत्यादी दस्तावेज
(जप्तीपत्रकक्रं.४४मधील
अ.क्रं.१ ते १० पर्यंत
श्री दामोदर बलदुआ याने ४०,०००/-
आरोपीकडून घेतलेले
लोन परत केल्याचा
डीडी क्रं.९९२४३१
आयसीआयसीआय
बँक ब्रँच अंधेरी,मुंबई

४८.	श्री दामोदर बलदुआ याने ४०,०००/-	---	दामोदर सोहनलाल बलदुआ	भारतीय स्टेट बँक रविनगर शाखा, शाखा नागपूर येथील खाता क्रं. ४५० मध्ये दिनांक २०.११.०२ जमा केले.
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४९. होम ट्रेड लि. कंपनी व त्याचे सहकारी कंपनीचे नावाने मुंबई येथील विभिन्न बँकेत असलेले सुमारे १०५ बँक खाते गोठविण्यात आले असून त्या खात्यावरून करण्यात आलेल्या जमा खर्चाचे विवरण पत्रे संबंधित बँकाना कलम ९१ सी.आर.पी. सी. अन्वये मागणीपत्र देवून हस्तगत करण्यात आले आहे. हस्तगत करण्यात आलेल्या बँक खात्यातील विवरण पत्राचा तपशील श्री केतन चौकसी , सी.ए. यांचे अहवालासोबत लावण्यात आले.

५०. गोठविण्यात आलेल्या खात्यात सुमारे ४० लक्ष रु. शिल्लक असून ती रक्कम सदर प्रकरणी कोर्टाचा निर्णय होईस्तव गोठविने बाबत संबंधित बँकाना सुचना देण्यात आलेल्या आहेत.

५१. एच.डी.एफ.सी बँक लोअर परेल, मुंबई येथे होमट्रेड कंपनीचे ४५,०९,८६३/- रु. फिक्स डिपॉझिट मध्ये जमा असून सदर रक्कम पुढील आदेशापर्यंत गोठविण्याचे निर्देश एच.डी.एफ.सी बँकेचे संबंधित अधिका-याना दिलेले असून ही रक्कम गोठविण्यात आल्याबाबत बँकेने कळविले आहे.

टिप:- दोषारोप पत्रातील कॉलम नं. १० मध्ये नमुद जप्ती पत्रकाप्रमाणे एकुण ९,६१,५९,४६३/- रु. मुद्देमाल जप्त करण्यात आलेला आहे.