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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010158552024**

\+ CRL.A. 277/2024

CENTRAL BUREAU OF INVESTIGATION .....Appellant

Through: Mr. Sanjay Jain, Sr. Adv., Mr. Rishi Raj Sharma, Mr. Katyayani Shekhar, Mr. Nishank Tripathi and Ms. Rishika Aggarwal, Advs. along with Mr. Manoj Kumar, DSP, CBI.

versus

A RAJA & ORS .....Respondents

Through: Mr. Mahesh Agarwal, Mr. Rishi Agarwala, Mr. Tejasvi Chaudhary and Ms. Chanan Parwani, Advs. for R-5.

Mr. Sanjeev Kumar and Mr. Anshul Sehgal, Advs. for R-6.

Mr. Sushil Bajaj, Mr. Bharook Chauhan and Mr. Shivam Tyagi, Advs. for R-7.

Mr. Balaji Subramaniam and Mr. Akash Kundu, Advs. for R-16.

Dr. Joseph Aristotle, Sr. Adv., Ms. Priya Aristotle and Mr. Arunpandian, Advs. for R-17.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 27.10.2026

Crl.M.A.29287/2024 (Exemption from filing certified copies of annexures)
Crl.M.A.29289/2024 (Exemption from filing certified copies of annexures)
Crl.M.A.29294/2024 (Exemption from filing certified copies of annexures)
Crl.M.A.4632/2024 (Exemption from filing certified copies of annexures)

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1. The applications are disposed of with a direction to the applicant/s to file certified/true typed copies of annexures/documents before the next date of hearing.

2. It is noted that Crl.M.A. 4632/2024 has been filed on behalf of respondent no. 5 seeking exemption from filing certified copies of annexures/documents.

3. The substantive application of respondent no. 5, seeking orders and directions, is Crl.M.A. 4631/2024.

4. Accordingly, the registry shall correct the description of the applications, *viz.* Crl.M.A. 4632/2024 and Crl.M.A. 4631/2024, in its record.

Crl.M.A.14255/2023 (filed on behalf of R-3 for necessary orders and directions)
Crl.M.A.4631/2024 (filed on behalf of R-5 seeking orders and directions to CBI)
Crl.M.A.29286/2024 (filed on behalf of R-4 seeking necessary orders and directions to CBI)
Crl.M.A.29288/2024 (filed on behalf of R-14 seeking directions)
Crl.M.A.29293/2024 (filed on behalf of R-13 seeking directions)

5. Crl.M.A. 14255/2023 has been filed by respondent no. 3 while Crl.L.P. 185/2018 was pending. It seeks dismissal of the leave petition *in limine* based on preliminary objections. It further seeks a direction to the Central Bureau of Investigation (CBI) to expunge the averments and grounds in the memo of appeal which are founded on documents not proved at the trial for want of the requisite certificates and to file a revised memo of appeal. It also seeks a direction that the document annexed to CBI's application dated 15.04.2015 before the Ld. Special Judge shall be deemed to be inadmissible as evidence and accordingly be kept out of consideration.

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6. Crl.M.A. 4631/2024 has been filed by respondent no. 5. The said application seeks a direction to the CBI to obscure/ strike off the grounds in the appeal founded on the unapproved/ inadmissible documents referred to in the aforesaid application dated 15.04.2015, which came to be dismissed by the Ld. Special Judge vide order dated 22.12.2015. It is also sought that certain other grounds in the memo of appeal be directed to be removed.

7. Crl.M.A. 29286/2024 has been filed by respondent no. 4, seeking the following prayers:

> *"(a) Pass necessary orders and directions to CBI for obscuring/striking-off all the grounds forming part of the present appeal which are related to or are referred in the Application dated 15.04.2015, as indicatively detailed in Annexure 4 of the present Application, as same are admittedly without proper proof and without proper certificates as per law;*
>
> *AND*
>
> *(b) Pass necessary orders and directions to CBI to obscure/remove the ground at the proposed memo of appeal as reproduced in Para 19 of the application of Pg. 729/730 VII and VIII of the appeal as the same would be contrary to order dated 11.04.2011 passed by the Hon'ble Supreme Court in Civil Appeal No.10660/2010;*
>
> *AND*
>
> *(c) Pass necessary orders and directions to CBI to file a fresh Appeal after obscuring/striking-off the grounds forming part of the present appeal, as indicatively detailed in Annexure 4 of the present Application."*

8. Crl.M.A. 29288/2024 has been filed by respondent no. 14, seeking the following prayers:

> *"(a) Pass necessary orders and directions thereby dismissing the present Appeal filed by the prosecution qua the present Applicant (Respondent No. 14), as the entire allegation against him admittedly remained unproved;*
>
> *AND*
>
> *(b) Pass necessary orders and directions to CBI for obscuring/striking-off all the grounds forming part of the present appeal which are related to or are referred in the Application dated 15.04.2015, as indicatively detailed in Annexure 4 of the present Application, as same are*

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admittedly without proper proof and without proper certificates as per law;

AND

(c) Pass necessary orders and directions to CBI to obscure/remove the ground at the proposed memo of appeal as reproduced in Para 19 of the application of Pg. 729/730 VII and VIII of the appeal as the same would be contrary to order dated 11.04.2011 passed by the Hon'ble Supreme Court in Civil Appeal No.10660/2010;

AND

(d) Pass necessary orders and directions to CBI for obscuring/striking-off the grounds forming part of the present appeal, as detailed in the present Application relating to ineligibility qua grant of UAS license to STPL on the date of application, as the same was admittedly not proved during evidence."

9. Crl.M.A. 29293/2024 has been filed by respondent no. 13, seeking the following prayers:

"(a) Pass necessary orders and directions thereby dismissing the present Appeal filed by the prosecution qua the present Applicant (Respondent No. 13), as the entire allegation against him admittedly remained unproved;

AND

(b) Pass necessary orders and directions to CBI for obscuring/striking-off all the grounds forming part of the present appeal which are related to or are referred in the Application dated 15.04.2015, as indicatively detailed in Annexure 4 of the present Application, as same are admittedly without proper proof and without proper certificates as per law;

AND

(c) Pass necessary orders and directions to CBI to obscure/remove the ground at the proposed memo of appeal as reproduced in Para 19 of the application of Pg. 729/730 VII and VIII of the appeal as the same would be contrary to order dated 11.04.2011 passed by the Hon'ble Supreme Court in Civil Appeal No.10660/2010;

AND

(d) Pass necessary orders and directions to CBI for obscuring/striking off the grounds forming part of the present appeal, as detailed in the present Application relating to ineligibility qua grant of UAS license to STPL on the date of application, as the same was admittedly not proved during evidence."

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10. The prayer in Crl.M.A.14255/2023 for dismissal of the leave petition and liberty does not survive. Crl.L.P. 185/2018 was disposed of, and accordingly, leave was granted by a reasoned judgment dated 22.03.2024, after an elaborate hearing. Further, an earlier application filed by the respondent no. 4 (i.e., Crl.M.A. 7320/2024), seeking necessary orders and directions, was withdrawn on 06.03.2024.

11. The remaining reliefs in Crl.M.A. Nos.14255/2023 and 4631/2024 seek, in substance, that the grounds of appeal be pruned before the appeal is heard. It would not be apposite to grant the said reliefs at this stage on a piecemeal consideration.

12. The present appeal (CRL.A. 277/2024) shall necessarily be decided after perusing the record and hearing the parties, and taking into account all the relevant facts and circumstances. This Court will act only on the evidence which forms part of the record of the trial Court. Documents which were not admitted in evidence at trial would not be looked into unless they are brought on record in accordance with law.

13. Furthermore, whether any document relied upon by the CBI was duly proved and whether any ground is foreclosed are questions which impinge on the merits of the matter. Consequently, the said questions would be answered at the time of final hearing with reference to the trial Court record.

14. The applications of respondent nos. 4, 14 and 13, *i.e.,* Crl.M.A. 29286/2024, Crl.M.A. 29288/2024, and Crl.M.A. 29293/2024 respectively, stand on the same footing.

15. Necessarily, every objection of the respondents with regard to the maintainability of the appeal or any particular ground for appeal can be

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urged at the time of final hearing of the appeal and will be, accordingly, dealt with in the final judgment.

16. This Court does not find it apposite to decide these objections in piecemeal at this stage. The same would only defer hearing of the appeal which is arising from a judgment of December 2017, which would not be in the interest of justice.

17. Accordingly, all the applications, *viz.* Crl.M.A. Nos. 14255/2023, 4631/2024, 29286/2024, 29288/2024, and 29293/2024 are disposed of in the above terms.

18. It is clarified that all objections raised therein, including those as regards proof of admissibility of documents and the scope of grounds of appeal, are kept open. The respondents may urge the said objections at the time of final hearing. The same shall be duly considered.

CRL.A. 277/2024

19. Mr. Sanjay Jain, learned senior counsel for the petitioner, has opened his submissions.

20. List for further hearing on 25.11.2026 at 03.30 PM.

21. The date already fixed i.e. 28.10.2026, stands cancelled.

SACHIN DATTA, J

OCTOBER 27, 2026/cl/vk

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