

RC No.: RC2232021A0006

Branch : SPE/CBI,AC-III (e-AC-V), New Delhi

U/Sec : 120B r/w. 420, 467, 468 and 471 of IPC  
and substantive offences thereof.

**CBI Vs. M/s. CG Power & Industrial Solutions Ltd. & Ors.**

**10.02.2025**

Present : Sh. V. K. Ojha, Ld. Sr. PP and Sh. Pankaj Kumar Gupta,  
Ld. PP (AC-III) for the CBI along with IO / SI Akhil  
Kumar Yadav.

Reply has been filed by the CBI to the order dated 03.02.2025 of this Court, whereby the CBI was directed to produce the crime file of the present case. The relevant para(s) of the said reply are as under :

3. That this Ld. Court vide order dated 22.01.2025 has directed IO to produce the Case Diaries and the Crime File for the perusal of the Ld. Court. Thereafter, on 01.02.2025, the CBI has produced all the case diaries and the Ld. Court has perused the same. The CBI has also filed a reply seeking exemption of the production of the crime file.

4. That the Ld. Court vide order dated 03.02.2025 has directed the investigating agency / the concerned JD / Head of Branch to produce the crime file of the present case on the next date of hearing i.e. 10.02.2025.

5. That it is humbly informed that the CBI is examining

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**the order dated 03.02.2025 with respect to the production of crime file of the instant case. Therefore, it is requested that a reasonable time may kindly be given.**

Despite clear directions contained in the order dated 03.02.2025, the CBI has failed to produce the crime files for perusal of the Court, which was sought for examining the FR-1, which is a report of the IO and FR-2, which is the report submitted by the prosecution containing the legal opinion, as without which, the Court will be handicapped and will not be in a position to form an opinion, whether further investigations should be done / ordered in this case or not and as to what important aspects may have been missed by the investigating agency, on which the further investigations would be necessary, as prima facie reading of the main charge sheet and supplementary charge sheet, reveals that the investigation has not been done properly but in a perfunct and casual manner and the investigations were also got conducted by an officer of the rank of Sub Inspector, contrary to the Sec. 17 of the PC Act, 1988, which though can be done with the permission of the Court.

Therefore, it appears from afore circumstances that the investigating agency has something material to conceal from the Court, to which they want to put a veil of secrecy, so that truth should never come out and see the light of the day and remains

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embedded in the files i.e. the crime file. Whatever investigations are done by any investigating agency, after the registration of the RC / FIR, the same has to be done in fair and transparent manner. After the investigation is over, the final report is filed in the Court, then the Court has every right to see as to what had transpired from the registration of the FIR / RC till the culmination of the charge sheet / final report including the crime file, which is part of the investigations containing FR-1 and FR-2. Any concealment or non production of the crime file will only enhance the suspicion that investigating agency has probably something to blot out from the Court, especially so when the matter relates to the offence(s) of fraud and wrongful loss to the public money to the tune of Rs. 2435 Crores, caused to the State Bank of India, Industrial Finance Branch, Mumbai.

Moreso, in the present case, which is an economic offence(s) of huge magnitude, impinging upon the honest tax payers of the country and the State Exchequer and the non production of the crime files may lead to an prima facie inference that the investigating agency is concealing something important from the Court, which they do not probably want should come out in open, which itself *per se* makes out the existence of unusual and extra ordinary circumstances, which warrants perusal of the crime file by the court.

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Further it is only stated in the reply that they are examining the order with respect to the production of the crime file, for which reasonable time may be granted. However, after the passing of the order dated 03.02.2025, the investigating agency had sufficient time to examine the said order and to challenge the same, if they so desired. Therefore, the non compliance of the afore order is an act of clearcut defiance and recalcitrance on part of the CBI / investigating agency, which kind of conveys in a subtle manner that they do not care or obey the order(s) of the Court, which is a matter of grave concern, same is also contrary to the spirit of Article 21 of The Constitution of India, which ensures fair investigations and consequent fair trial.

In these circumstances, the concerned JD / Head of Branch are directed to ensure that the IO appears with the crime file of this case on the next date of hearing, without fail.

Copy of this order be sent to the concerned Head of Branch, CBI for compliance. Be also given dasti, as prayed.

Put up for consideration on **21.02.2025**.

**(SANJEEV AGGARWAL)**  
**Special Judge (PC Act) (CBI)-10**  
**Rouse Avenue Courts Complex**  
**New Delhi/10.02.2025**