

(2026) 08 OHC CK 1561
In the Orissa High Court, Cuttack Bench
Case No : CRLMC No.2177 of 2025

Rabindra Kumar Jena

APPELLANT

Vs

Central Bureau Of Investigation, Bhubaneswar & Anr.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 — Section 528, 230, 231
Criminal Procedure Code — Section 207, 208
Companies Act, 1956

Citation : (2026) 08 OHC CK 1561

Hon'ble Judges : B.P. Routray, J

Bench : Single Bench

Advocate : Mr. S.K.Srivastava, Senior Advocate, Mr. S.Nayak, Special Counsel for CBI

Final Decision : Disposed Of

Judgement

August 2026

B.P. Routray, J.

1. The Petitioner has filed present application praying for a direction to get the entire records collected by the CBI in course of its investigation as disclosed before learned Trial Court.
2. Heard Mr.Shrivastava, learned Senior Counsel for the Petitioner and Mr. Nayak, learned Special Counsel for the CBI.
3. It is submitted on behalf of the Petitioner that, he being an accused in T.R. Case No.5 of 2018, now pending before the learned Special Judge, CBI-I, Bhubaneswar, is not only entitled to all such documents relied on by the prosecution as per the charge-sheet, but also all such documents collected in course of investigation and may not have been relied on by the prosecution.
4. Section 207 and 208 of the Criminal Procedure Code (Section 230 and 231 of

the BNSS) recognizes the right of the accused to get copy of the Police Report and other such documents in a case instituted on the Police Report. The Hon'ble Supreme Court in SUO MOTU WRIT (CRL.) NO.(S) 1/2027 has observed at paragraph-11, as follows:-

"11. The amici pointed out that at the commencement of trial, accused are only furnished with list of documents and statements which the prosecution relies on and are kept in the dark about other material, which the police or the prosecution may have in their possession, which may be exculpatory in nature, or absolve or help the accused. This court is of the opinion that while furnishing the list of statements, documents and material objects under Sections 207/208, Cr.P.C. the Magistrate should also ensure that a list of other materials, (such as statements, or objects/documents seized, but not relied on) should be furnished to the accused. This is to ensure that in case the accused is of the view that such materials are necessary to be produced for a proper and just trial, she or he may seek appropriate orders, under the Cr.P.C. for their production during the trial, in the interests of justice. It is directed accordingly; the draft rules have been accordingly modified. [Rule 4 (i)]"

5. Mr. Nayak, learned Special Counsel, while objecting the prayer of the Petitioner, submits that the documents as relied on and collected/seized by the prosecution have already been served on the Petitioner in terms of Section 207 of the Cr.P.C. and such additional documents as claimed by the Petitioner in the present application have been received by the accused from the prosecution.

6. The Petitioner in paragraph-58 of his petition has mentioned the list of those specific documents, which he needs to be supplied with. For better appreciation, paragraph-58 & 59 is reproduced below:-

"58. That during the investigation, Petitioner was thoroughly searched multiple times & at various places & the articles were seized from his offices & residential premises & the list of documents & the date in which documents were seized/produced to the CBI by Petitioner are as follows-

I. Note on relevant sections & provisions of Companies Act, 1956 justifying Supratik, Kripalu, JMD & RKJ under same management & hence the same group. Copy of ITAT Order also submitted wherein it was mentioned that Kripalu is under Sudhadevi Group of assesses submitted by the Petitioner on 12.09.2016.

II. The ITRs of Petitioner for F.Ys. 1995-96 to 2015-16.

III. ITRs of Petitioner's wife of F.Ys. 2004-05 to 2015-16.

IV. ITRs of Petitioners HUF of F.Ys.2007-08 to 2015-16.

V. Full details of the movable & immovable properties of the Petitioner, his spouse, & his HUF as furnished to the Election Commission of India at the time of his filing nomination for Parliamentary Elections, 2014.

VI. Details of marriage expense of Petitioner's daughter that was submitted by the Petitioner on 25.11.2016.

VII. Education expenses of children of the Petitioner studying abroad were submitted by the Petitioner on 25.11.2016.

All the above information was submitted to CBI on 26.11.2016 & was acknowledged by the IO.

VIII. Written Submissions, & the detailed explanations to the queries raised by the CBI during the personal appearance of Petitioner before CBI on 12.01.2015

IX. All bank statements combined of Petitioner in excel format explaining variations of each day with that of previous day & transactions of Rs.1.00 crore & above during the check period 2010-11 to 2013-14.

X. Adjustment letter dated 22.05.2012 signed by Mr. Prasanta Kumar Dash submitted to the CBI dated 12.09.2016.

XI. Income Tax Assessment Orders & the ITAT Orders of M/s Kripalu, Times, Arremo & Amal Sales for the A.Y.2009-10 submitted by the Petitioner on 05.12.2015.

XII. Documents produced by Mr.Vijay Bhaskar Rajanala, FCA which was sought by the C.B.I on 12.01.2015.

XIII. Audited Balance Sheets of M/s JMD for F.Ys.2009-10 to 2013-14 including the Memorandum of Association of the Group Companies by Petitioner on 22.12.2014.

XIV. Copy of file consisting of Part I: Case Matter, Part II: Personal Documents, & Part III: Case Laws, which was carried by Petitioner during personal appearance on 10.12.2016 & 16.12.2016 & handed over to CBI.

XV. Banks Statements of M/s KTPL, M/s JMEP Ltd., & M/s Supratik Infra, & other Companies of the Petitioner.

XVI. Audited Balance Sheet of M/s JMD, M/s KTPL, & M/s Supratik Infra & Ather Companies of the Petitioner.

XVII. Various clarificatory documents pertaining to above.

59. That it is however material that the above stated records & documents have not been included by the CBI in the List of Documents submitted by the CBI before the Ld. Trial Court & it is material that these records/documents hold the significant relevance, & potentially serve as key evidence to establish the innocence of the Petitioner, & therefore, in order to substantiate the case & ensure fair & equitable opportunity for Petitioner, it is imperative that these documents is disclosed before the Ld. Trial Court & is included in the List of Documents collected by the CBI.

The copy of the seizure list is enclosed herewith as ANNEXURE-12 SERIES."

7. During pendency of the present application and in course of hearing on previous occasion, a memo dated 15thApril 2026 has been filed by learned Special Counsel for CBI, answering in tabular form to each specific document as described at paragraph-58. But the Petitioner disputing the same has filed a memo dated 18thJune 2026 denying and disputing supply of many documents out of such list furnished by the CBI in their memo dated 15thApril 2026, in reference to the documents mentioned at paragraph-58.

8. Disputes have been raised by both parties as to the collection of documents and service of some specific documents on the Petitioner, where the Petitioner denies to have received such documents claimed to have been served on him by the CBI. One of the contentions so raised by the Petitioner that, serial no.1, 4, 6 & 7 as mentioned by Mr.Nayak, learned Special Counsel for CBI, upon instructions, does not find place in the list of documents served on the Petitioner as per Annexure-25; whereas, Mr. Nayak submits that said documents have been received by the Petitioner. Similarly, it is stated by Mr. Nayak that some

documents as per list at paragraph-58 and in the memo dated 18th June 2026 are non-existent, which is seriously disputed by the Petitioner.

9. Keeping all such factual disputes regarding service of copies of the documents, or the list of documents, on the Petitioner and taking note of the law settled in terms of Section 207 of the Cr.P.C, present application is disposed of with a direction to the learned Trial Court to examine the contentions raised by the Petitioner regarding non-supply of such documents as per the list mentioned at Paragraph-58 of the petition and if it is found that any such documents as mentioned at paragraph-58 have been collected/seized by the CBI in course of investigation, but not served on the Petitioner and still in the custody of the CBI, learned Trial Court may pass appropriate direction in that respect for service of copy of the list of such un-relied documents on the Petitioner.

10. The Petitioner is directed to produce a copy of the present application along with all such annexures and copies of memos dated 15th April 2026 and 18th June 2026 filed on behalf of the CBI and the Petitioner respectively, before the Trial Court for reference.