



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

% *Reserved on: 08th January, 2026*
Pronounced on: 5th June, 2026

+ **W.P. (CRL.)3373/2023, CRL.M.A.31320/2023,**
CRL.M.A.31322/2023 and CRL.M.A.4960/2023.

DEVANGANA KALITA
D/o Dr. Hem Chandra Kalita
R/o A-P-Q-15, Assam Medical College Campus,
Dibrugarh, Assam-786002.

Also at:

Flat No.L-32, Tara Apartments,
Alaknanda, New Delhi.

.....Petitioner

Through: Mr. Adit S. Pujari, Mr. Chaitanya
Sundriyal, Mr. Manvendra Singh
Shekhwat, Mr. Siddharth Kaushal,
Mr. Harshwardhan Pushkin Sharma,
Advts.

versus

STATE OF DELHI, NCT
Through The SHO,
PS Crime Branch.

.....Respondent

Through: Mr. Amit Prasad and Mr. Madhukar
Pandey, SPP alongwith Mr. Ayodhya
Prasad, Mr. Aarush Bhatia, Mr.
Dhruv Pande, Mr. Saravjeet Singh,
Mr. Harshil Jain Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Articles 226/227 of the Constitution of India read with Sections 528/529 of BNSS, has been filed on behalf of the Petitioner to



challenge the Order dated 05.08.2023, whereby the Application under S.207 Cr.P.C. of the petitioner has been decided.

2. The Petitioner stated that she was a law abiding citizen with deep roots in the Society. She was enrolled as a student at Jawahar Lal Nehru University and is pursuing PhD in Women's Studies at the Centre for Women's Studies. Her contributions to peaceful campaigns for equal rights of the marginalized has been recognized, despite her young age. The Petitioner has participated in Conferences and Seminars and published various Articles.

3. An FIR No.59/2020, P.S. Crime Branch was registered on the Complaint of SI Arvind Kumar, Crime Branch, New Delhi for the offences under Sections 147, 148, 149, 120B IPC, The allegations made were that a conspiracy was hatched by a student of JNU along with his associates, for the riots in Delhi between 23.02.2020 to 26.02.2020. While the Petitioner was in Judicial Custody *in FIR No.50/2020*, she was produced before the Duty Magistrate on 06.06.2020 and was sent to Police Custody for two days in the **present FIR No.59/2020**, P.S. Crime Branch.

4. An Application under Section 156(3) Cr.P.C. was filed on 09.07.2020 on behalf of the Petitioner seeking the monitoring of investigations in the underlying FIR, *qua* other offences leading to/committed during the period of communal violence that took place in February, 2020. The Petitioner placed on record, a wide gamut of material easily available in the public domain which points to the offences committed by third parties, instigation and incendiary speeches by pro-CAA demonstrators and reluctance of the Investigating Agency to probe such material. The attention was also brought of the learned Trial Court to the material which was available with the



Respondent Agency, but had not been brought before the Court. The Application under Section 156(3) Cr.P.C. of the Appellant, was dismissed on 14.07.2020.

5. On 12.11.2020, the Petitioner filed an Application seeking regular Bail under Section 439 Cr.P.C., which was dismissed *vide* Order dated 28.01.2021. The Bail was eventually granted by this Court on 15.06.2021. The Respondent Agency filed SLP (CRL.) No.4289/2021 to challenge the Order of this Court granting Bail, but the Supreme Court *vide* Order dated 02.05.2023 did not interfere with the Order of this Court.

6. *The Chargesheet was filed on 16.09.2020.* Thereafter, the Petitioner moved an Application under Section 207 Cr.P.C seeking *inter alia*, supply of hard copy of the Main Chargesheet. The Application was disposed of *vide Order dated 21.10.2020* by the learned Special Judge, with the direction to supply hard copy of the 18,000 page Chargesheet to all the Accused.

7. On 22.11.2020, the First Supplementary Chargesheet in FIR No.59/2020 was filed. The Second Supplementary Chargesheet was filed on 24.02.2021.

8. The Petitioner filed the *first Application under Section 207 Cr.P.C on 08.04.2021* whereby the Petitioner sought a set of electronic evidence that was relied upon by the Respondent Agency, in the main Chargesheet and in the First Supplementary Chargesheet. This included the Chats in WhatsApp group of the Respondent Agency, which had been selectively extracted in the Chargesheet and had been relied upon to allegedly pinpoint the purported “*precipitation of violence in Jaffrabad area*”, CCTV footages, video clips and clone copies of other Accused, witnesses and Officers of the



Respondent Agency, whose mobile phones were seized during the investigation in FIR No.59/2020.

9. *On 02.03.2022 the Third Supplementary Chargesheet was filed.*

10. The Petitioner filed **two additional Applications under Section 207 Cr.P.C., on 18.03.2023** seeking documents/data relied upon in the Second and *third Supplementary Chargesheet.*

11. Some of the co-accused in their Applications under Section 207 Cr.P.C., had also sought similar electronic evidence from the Respondent Agency and was sought by the Petitioner, but were denied by the Respondent Agency.

12. The *Respondent Agency in its reply dated 30.09.2021 to the first Application under S.207 Cr.P.C.*, stated that they were willing to supply certain documents sought by the Petitioner, but refused to supply other crucial material that found mention in the Chargesheet, as well as the Supplementary Chargesheet. The reasons given for the non-supply of the data/documents was that the Full text file of WhatsApp chats between other co-accused and **cloned copies of the phones of the other co-accused that were seized**, cannot be supplied as it is personal data and effects the privacy of the respective co-accused. The Cloned copies of phones seized relating to other co-accused that are yet to be charged, cannot be supplied as the investigation is ongoing.

13. Further, *Video statements of protected witnesses*, cannot be supplied to the Petitioner due to the protection provided to these witnesses. However, the *“truncated copies of the statements of Protected Witnesses”* have already been supplied. It was further stated that if any of the data from the phones



seized is relied upon by the Respondent Agency, the same would be supplied to the Petitioner.

14. The full text file of WhatsApp Group of the North-West Zone of the Respondent Agency from 15.12.2019, till the date of seizure of phone and **cloned copies of the phone of Police Officers** from which the chats were extracted, *cannot be supplied as it contains information that is secret and confidential in nature*. It was also stated that supply of such information would affect the privacy of the Police Officers concerned. It was further submitted that non-supply of such data would not cause any prejudice to the Petitioner. Moreover, the data relied upon against the petitioner, had already been supplied her. The rest of the Data had no relevance to the case and hence non-supply of the same would not cause prejudice to the Petitioner.

15. A set of documents/data sought by the Petitioner, were sent to FSL, Rohini/CFSL, CBI for examination and the results, were awaited. The same would be provided to the Petitioner after its examination, if anything was relied upon against the Accused.

16. In the meanwhile, on 11.09.2023, the Petitioner raised an objection relying upon the decision of this Court in State vs. Mohd. Qasim & Ors. 2023 SCC OnLine Delhi 1835, that the Respondent Agency ought to be called to reveal the status of investigation, before the matter proceeds to the stage of arguments on Charge. The learned Special Judge granted liberty to the Petitioner to file the Application, to raise such contentions.

17. The Petitioner then filed Application dated 12.09.2023, *seeking clarity on status of investigation in FIR No59/2020*, before proceeding to the stage of arguments on Charge.



18. The Respondent filed a *common reply dated 14.09.2023* to these Applications.

19. The first Application under Section 207 Cr.P.C was filed by the Petitioner on 08.04.2021 which was disposed of on 05.04.2023, and directions were given for supply for various documents like WhatsApp Group of DPSG, JCC group, MSJ, CAB etc. The due compliance of this Order was done by the Respondent Agency. Thereafter, *vide* Order dated 03.08.2023 documents like AAZMI documents etc. kept in sealed cover, were also supplied to all the accused persons including the Petitioner.

20. Learned Special Judge disposed of the Application dated 12.09.2023 and other similar Applications filed by the Petitioner and the other co-accused persons, *vide* Order dated on 04.09.2024. The Special Judge, while making a reference to the case of *Mohd. Qasim & Ors.* (supra), held that the Prosecution must inform the Court if the Chargesheet has been finally filed and the case was ripe for hearing arguments on Charge. It was further noted that as per the *Written Submissions* filed by the Prosecution, the investigations *qua the Accused persons was complete* which must mean that the investigation is complete *qua* all the Accused persons, as Charge sheeted till date, and as such, the Prosecution had disclosed that the investigation is complete and the *matter was ripe for hearing arguments on Charge.*

21. It is stated that the Order dated 04.09.2024 of learned Special Judge, limited the scope of any potential supplementary Chargesheet, to that of newly collected evidence; that too pertaining to individuals who have not been charge sheeted till date. As such, the submissions of the Prosecution and the observations of the Special Judge in the Order dated 05.04.2023



regarding supply of material in supplementary chargesheet to the Accused persons, has been rendered infructuous.

22. The *Respondent in their reply to the two subsequent Applications under S.207 Cr.P.C.*, communicated that most of the electronic evidence sought by the Petitioners, was pending examination in the FSL.

23. The *learned Special Judge vide impugned Order dated 05.04.2023*, disposed of all the Application under Section 207 Cr.P.C., *qua* all the co-accused, *except the Petitioner*. The learned Special Judge while concurring with the decision of the Respondent to not supply electronic evidence that was supposedly not relied upon by the Respondent Agency, recorded that that I.O has provided the copies of the statements of *the Protected witnesses* as available with him to the Accused. It is also stated that audio-video recordings of the statements of un-protected witnesses, would be supplied.

24. The Respondent Agency filed the *Fourth Supplementary Chargesheet, on 07.06.2023*.

25. On *05.08.2023 the Petitioner's Application under Section 207 Cr.P.C. was decided*, whereby the learned Special Judge held that refusal of the Respondent Agency to handover the copy of set of electronic evidence/documents/data sought by the Petitioner, was justified and not bad in law and accordingly, *the Application under Section 207 Cr.P.C. was disposed of*.

26. The Petitioner filed present *W.P.(Crl.) 3373/2023 titled 'Devangana Kalita vs. State of NCT Delhi' challenging the Order dated 05.08.2023 which is pending adjudication*.

27. The *grounds of challenge* are that while it is the prerogative of the Prosecution to be selective about which evidence it wishes to use against the



Accused, it is not for the Prosecution Agency to decide which evidence is relevant for the purpose of the Accused at the stage of Charge. Every piece of evidence which has been seized by the Police during the investigations, is deemed to be in Magisterial custody in terms of Section 102(3) Cr.P.C and otherwise also, ought to be forwarded to the Magistrate and be provided or allowed to be inspected by the Accused.

28. In several cases, including Muktaben M. Mashru vs. State of NCT Delhi 2019 SCC Online Del 11509; V Plus Technology (P) Ltd. vs. State of NCT Delhi 2022 SCC Online Del 1223 held that forwarding of items seized or a Report of Seizure thereby ensuring that the seized items, are deemed magisterial custody is mandatory. The CCTV footage in question has been seized and ought to have been forwarded to the Magistrate, and is, therefore, open to inspection.

29. Furthermore, the denial of access to electronic evidence seized by the Police during investigation, which is listed in the List of Documents filed along with the Police Report, but not filed before the Court and thus, not open to inspection, is wholly contrary to the spirit, intent and adherence to the principles of fair investigation or a fair trial guaranteed under Article 21 Constitution of India.

30. It is further contended that for the purpose of fair trial the provisions enshrined in Section 207 and 208 Cr.P.C to ensure supply of all the documents must be followed. The Prosecution cannot on its own decide what it wants and what it does not wish to provide to the Accused.

31. Reliance is placed on Ashutosh Verma vs. CBI 2015 1 AD (Delhi) 78; V.K. Sasikala vs. State (2012) 9 SCC 771; M/s Viniyoga International vs. State 1985 CriLJ 761; V.K Jha vs. CBI ILR (2009) VI Delhi 206; Shashi



Bala vs. State Govt. of NCT of Delhi & Ors. 2016 SCC OnLine Del 3791 and Shakuntala vs. State of Delhi ILR (2007) I Delhi 1005.

32. The learned Special Judge has relied on the Prosecution submission that the prosecution has supplied those portion of CCTV footage which were relevant to the Accused, is mis-placed and violates the spirit of Section 207 Cr.P.C. To state that list of unrelayed documents need not be filed at the stage of Section 207 Cr.P.C is based on erroneous interpretation of the decision of the Supreme Court in P. Ponnuswamy vs. State of Tamil Nadu (2022) SCC OnLine SC 1543.

33. The entire chats of Police in WhatsApp Groups including “OPS/SP” need not be filed, since they would contain information about the Police officials and their activities, but the relevant chats relied upon had been filed and supplied. The two grave errors have been committed by the Special Judge in placing blind faith on the Prosecution i.e. it has acted with utmost impartiality while selecting the relevant Whatsapp messages and *secondly*, that the Prosecuting Agency has acted in a non-adversarial manner. There can still be a possibility of crucial evidence being inadvertently left out. The Accused at such crucial stage of proceeding where a valuable statutory right of discharge is available, cannot be left to the whims and fancies of the prosecuting agency. It is further asserted that even if the Accused persons are not provided with the electronic record, they have a right to view such video in terms of the decision of the Supreme Court in the case of P. Gopalakrishnan @ Dileep vs. State of Kerala AIR 2020 SC 1.

34. The learned Special Judge erred in placing reliance on Section 207 Cr.P.C while dismissing the Application of the Petitioner seeking such videos. Furthermore, reliance is placed on INX Media vs. CBI CrI. M.C



1338/2021 decided by this Court on 10.11.2021, wherein it was held that the unrelayed documents recovered during the investigation which have a bearing on the Prosecution case, must be informed to the Accused.

35. In a situation of riot, this Court in Shambir & Ors. vs. State 254 (2018) DLT 488 held that the videos should be collected for the purpose of identification of actual perpetrators of violence and it is incumbent for the Special Judge seized of the riot cases to ensure the filing and scrutiny of videos along with Police Reports.

36. Reliance is also placed on Siddhartha Vashisht @ Manu Sharma vs. CBI (2010) 6 SCC 1, V.K. Sasikala vs. State (2012) 9 SCC and Chandra Shekar Das vs. CBI CrI. Rev. No.63 of 2015 decided by Ahmedabad High Court on 27.03.2015.

37. It is thus, submitted that the learned Special Judge erroneously denied the documents to the Petitioner under 207 Cr.P.C. Hence, a prayer is made that the impugned Order be set aside.

38. The ***Respondent in its short Reply*** has stated that the Petitioner is an Accused in the Delhi Riots '*larger conspiracy*' case, registered as FIR No.59/2020 at P.S. Crime Branch. The conspiracy was hatched by the masterminds to undermine the secular fabric, internal security and integrity of the nation, and to propagate their ulterior agenda of inciting communal tensions under the *facade* of opposition to the CAA/NRC.

39. It was submitted that the main Chargesheet followed by four supplementary Chargesheets have been filed *qua* 18 Accused persons, while the investigation is still continuing, as contemplated under Section 173 (8) Cr.P.C. The 6 accused have been released on bail, while the bail of remaining accused persons have been rejected *vide* reasoned Orders. While



Bail has been granted to the Petitioner by this Court *vide* Order dated 15.07.2021, the Supreme Court in SLP (Crl.) No.4289/2021 has expressly prohibited any other party from using this Order of Bail dated 15.06.2021 as a precedent in any other proceedings.

40. The other Accused persons had filed Applications under Section 207 Cr.P.C. Although, the learned Special Judge while disposing of the Applications under Section 207 Cr.P.C, has wherever necessary directed furnishing of relevant document, information to the Accused persons as such directions have been duly complied with. The Application under Section 207 Cr.P.C filed by the 11 Accused including the Petitioner, already stands disposed of.

41. While the learned Special Judge *vide* Order dated 05.08.2023 directed arguments on charge to be advanced on day to day basis from 11.09.2023 the Counsel for the Petitioner first objected to continuation on Arguments on Charge, seeking specific statement about completion of investigations. Similar Application was filed by the two other Accused on 14.09.2023.

42. These Applications, however were disposed of, though the Arguments on charge got stalled from 06.01.2024 to 04.09.2024. Thereafter, the Arguments on Charge commenced and the State has already completed its arguments in the five dates. The matter was then listed for continuation of arguments on Charge, by the Accused persons. Eleven out of eighteen have made their submissions, while seven are yet to commence/conclude their arguments. The present Petition is nothing but an manifest attempt to protract and obstruct the course of trial.

43. In this Writ Petition *vide* Order dated 12.09.2024, this Court directed that the arguments on Charge may continue though the final Order may not



be passed. The continuation of such Order is causing detriment to the Prosecution and also prejudice to the rights of the Accused and is hampering the administration of judicial process.

44. It is further submitted that the Writ is not maintainable against the interlocutory orders, but the Petitioner has not only insisted on the Writ Petition, but has also attempted to portray that it is an abuse of process of law while imputing *malafide* to the Prosecution.

45. It is stated that in terms of Section 21(3) NIA Act, an Appeal against an interlocutory Order is barred.

46. It is, therefore, submitted that the present Writ Petition be dismissed.

47. *Written submissions have been filed both by the Petitioner as well as the Respondent* which are essentially on the same lines as the grounds agitated in their respective pleadings.

Submissions heard and record perused.

48. In FIR No.59/2020 admittedly, four Supplementary Chargesheets have been filed. Section 207 applies after the Chargesheet, is filed.

49. In this context, it may be relevant to first refer to Section 207 Cr.P.C which reads as under :

“207. Supply to the accused of copy of police report and other documents.— In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused, free of cost, a copy of each of the following:—

(i) the police report;

(ii) the first information report recorded under section 154;

(iii) the statements recorded under sub-section (3) of section 161 of all persons whom the prosecution proposes



to examine as its witnesses, excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under sub-section (6) of section 173;

(iv) the confessions and statements, if any, recorded under section 164;

(v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under sub-section (5) of section 173:

Provided that the Magistrate may, after perusing any such part of a statement as is referred to in clause (iii) and considering the reasons given by the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be furnished to the accused:

Provided further that if the Magistrate is satisfied that any document referred to in clause (v) is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.”

50. In terms of Section 207 Cr.P.C., the accused is entitled to the copies of first Police Report, FIR, Confession Statements, if any, recorded under Section 164 Cr.P.C, Section 161 Cr.P.C. of all the persons whom the Prosecution proposes to examine as witnesses. The only exception to the Rule in regard to supply of Statement under Section 161 (3) of Cr.P.C. is, if the Police officer is of the opinion that any part of the Statement is not relevant to the subject matter of the proceedings or that the disclosure to the accused is not essential in the interest of justice, or is inexpedient in public interest. It shall indicate that part of the Statement and append the note requesting the Magistrate to exclude that part of the Statement from the copies to be provided to the Accused.



51. Therefore, all the documents which form the part of the Chargesheet and are sought to be relied upon by the Prosecution, has to be mandatorily supplied to the Accused in terms of Section 207 Cr.P.C., before proceedings to the stage of Arguments on Charge.

52. The Constitution Bench in the case of Assistant Collector of Customs, Bombay vs. L.R. Melwani & Anr. 1968 SCC OnLine SC 161 had observed that the Report under Section 173(1) Cr.P.C. has to be accompanied by all the documents relevant and relied upon by the Prosecution and *that the Accused is entitled to a copy of all such documents.*

53. *First and foremost*, what emerges is that the WhatsApp Chats etc. of the Police Officials which were sought were not relied upon documents. As has been observed, only the WhatsApp Chats which were not relied upon have not been supplied under Section 207 Cr.P.C., while all other WhatsApp Chats etc. have already been supplied. It is settled law that, at the stage of Section 207 Cr.P.C., the Petitioner/Accused is entitled only to the relied upon documents and, at best, a list of unrelieved upon documents, but not copies of the unrelieved upon documents.

54. In Nelson Motis vs. Union of India 1992 (4) SCC 7 111 and in Hardeep Singh vs. State of Punjab AIR 2014 SC 1400, it was held that the purpose of Section 207 Cr.P.C. is to give an adequate Notice to the accused of the material to be used against him during trial and therefore, all such documents must be provided to the accused.

55. Similar observations have been made by Division Bench of this Court in Dharambir vs. CBI ILR (2008) 2 Del. 842 and Dinesh Puri vs. State 2016 SCC OnLine Del 5551.



56. In this regard observations made by the Supreme Court in the case of Siddharth Vashisth @ Manu Sharma vs. State AIR 2010 SC 2352 are of relevance. While explaining the expression ‘*due process of law*’, it was stated that it shall deem *fairness to trial*. This constitutional mandate and statutory right given to the accused, places an implied obligation upon the Prosecution to make fair disclosure which would take within its ambit furnishing of documents on which the Prosecution intends to rely, whether filed in the Court or not.

57. The documents should essentially be furnished to the accused which are obtained during the investigations *bona fide* by the Investigating Agency and in the opinion of the Prosecutor is relevant and would help in arriving at the truth. *Section 207 has a material bearing on this aspect*, it requires that the Court should provide copies of the Police Report, statements, confessional statements and the documents free of cost to the accused, as contemplated under Section 173 (5) and (6) Cr.P.C. The documents submitted to the Magistrate along with the Report under Section 173(5) would be deemed to be included as documents which have been sent to the Magistrate during the course of investigation, as per requirements of Section 170(2) of the Code.

58. It was further observed in Siddharth Vashisth @ Manu Sharma (supra) that certain rights of the accused flow from the codified law as well as equitable concepts of constitutional jurisdiction as substantial variation to such procedure, would frustrate the very basis of fair trial to claim documents which within the purview of Section 207, 243 read with Section 173 must be read in its entirety. The power of the Court under Section 91 Cr.P.C. to summon documents signifies and provides precepts which will



govern the right of the accused to claim copies of the statements and documents which the Prosecution has collected during the investigations and upon which they rely.

59. In *P. Gopalakrishnan @ Dilip vs. State of Kerala* AIR 2020 SC 1, the Apex Court similarly held that under Section 207 Cr.P.C., Magistrate is under an obligation to provide the entire chargesheet along with the statements and documents relied upon by the Prosecution.

60. *Therefore, the significance of supplying all the documents relied by the prosecution in the Charge sheet, can never be questioned to ensure the fair trial and all the documents in accordance with S.207, have to be necessarily provided to the accused.*

61. The Applications under Section 207 Cr.P.C of other Accused seeking similar electronic evidence from the Respondent Agency were sought, **but were denied by the Respondent Agency.** The learned Special Judge *vide* Order dated 05.04.2023 concurred with the decision of the Respondent to not supply the electronic evidence that was supposedly not relied upon by the Respondent Agency, by observing, as under:

“... ”

9.5 However, IO as well as Ld. Special Public Prosecutor had stated that the entire Whatsapp chats of Whatsapp Group DPSG, all JCC groups, MSJ & CAB would be filed by way of supplementary charge-sheet and supplied to all accused persons. Thus, this issue also gets resolved.

10. IO had stated that document bearing no. 06 is the record seized from Aazmi office during the search conducted in the office and they are lying in sealed condition in the Malkhana.



The relevant portion would be extracted after the order of the Court and filed by way of a supplementary charge-sheet and supplied to the accused persons. In view of the said statement of the IO, this does not require adjudication and they would be supplied with the supplementary chargesheet.

10.3 SZ document bearing no. 26, 28, 31, 32, 35 & 68 are audio-video recordings of unprotected witnesses. IO had stated that the same (except where the witness refers to a protected witness) would be supplied to all accused persons by way of a supplementary chargesheet after getting mirror image of the same from FSL. In view of the same, again this does not require any order from this Court.

11.2 Furthermore, statement of protected witness namely 'Beta', 'Platinum', 'Helium', 'Saturn' and 'Johny' with necessary redaction and supply of video recordings of statement of unprotected witnesses and protected witnesses with necessary redactions was asked for.

IO has provided the copies of the statements of the said witnesses as available to him, to the accused. It was also stated that audio video recordings of the statement of the unprotected witnesses (except where it mentions protected witness) would be supplied."

62. Thus, by the aforesaid Order, not only to other accused, but also to the Petitioner, all the documents forming part of charge-Sheet, were directed to be supplied to all the accused including the Petitioner.

63. The Petitioner is one of the Accused against whom the Chargesheet has been filed by the Prosecution in the aforesaid FIR. On 03.08.2023 the Petitioner had filed final re-list of documents marked as A, B and C, stating the documents to be supplied by the Prosecution.



64. The *Petitioner herein, had also filed three separate Applications under Section 207 Cr.P.C. which got decided by the learned Special Judge, vide impugned Order dated 05.08.2023*, by observing as under :

“2. Most of the documents asked for, were supplied by the prosecution to all the accused persons including accused Devangana Kalita during the entire process of scrutiny u/s. 207 Cr.P.C. In fact, vide order dated 05.04.2023, the aspect of Section 207 Cr.P.C of all other 17 charge sheeted accused persons was decided. The said order passed, in detail, contained various directions for supply of various documents like Whatsapp group of DPSG, JCC group, MSJ, CAB etc. and the same were ordered to be supplied to all the accused persons including applicant/ accused Devangana Kalita. In pursuance to the said order, the compliance has also been done.

*4.4 Ld. Special Public Prosecutor had submitted that in the list of documents titled as **Mark A & C**, documents which are not supplied are CCTV footages, which are relevant for investigation of other cases of riots of North East, Delhi, and where investigation/further investigation is still going on and accused are still being apprehended. Therefore, copies of those footage cannot be supplied to the accused/applicant. It is stated by Ld. Special Public Prosecutor that the relevant CCTV footage have already been filed along with charge-sheet and supplied to the accused persons.*

4.5 Ld. counsel for the accused had submitted that they must be supplied with all the footages.

4.6 The present case is one of the conspiracy and UAPA, as regards the riots that occurred in North-East, Delhi, and for those individual offences of riots, separate cases of rioting have been registered in North East Delhi and certain footages exist and used in those cases.

Ld. Prosecutor had submitted that relevant footages were filed and supplied to the accused persons but all the



footages sought for is under investigation in all other individual cases of riots of North-East and those cannot be supplied.

Considering the nature of present case and the fact that investigation is going on in other individual cases of riots, I agree with the submission of Ld. Special Public Prosecutor that the entire footage for North-East Delhi, which are relevant for individual cases and used and supplied to accused therein, need not be supplied to the accused/applicant in this case.”

65. In this context, it may be noted that during the pendency of the trial, at the stage of compliance of S.207 Cr.P.C., the Petitioner had moved an Application on 12.09.2023 raising an objection that the Respondent Agency ought to reveal the status of the investigation, before the matter proceeds to the stage of Arguments on Charge.

66. The Prosecution, in the Written Submissions, had mentioned that the investigation *qua* the accused persons is complete, which meant that the investigation is complete *qua* all the Accused persons as charge sheeted till date.

67. The learned Special Judge in the impugned Order, noted that all the documents except 43 had been supplied. Likewise, all the documents listed in Mark B except 3 and 4 were also supplied, but documents at Serial No.3 and 4 could not be supplied as they were never seized by the Prosecution. All documents in Mark C were supplied except at Sl. No.10, 11 and 12A. These documents were CCTV footage which were claimed by the Petitioner to be relevant. However, learned Special Prosecutor had explained that these CCTV footages could not be supplied that further investigations were still ongoing and certain Accused were still to be apprehended.



68. The learned Special Judge noted that the entire footage of North East Delhi Riots which were relevant to the Petitioner had already been supplied, but only such communication, information, chats of Police official Groups, WhatsApp Groups which were neither relied upon nor relevant had been shared. It was observed that such documents may contain other sensitive information/privileged communication which could not be disclosed. Hence, the WhatsApp Group chats etc. pertaining to the police officials and their activities which had not been relied upon were held to be not required to be supplied under Section 207 Cr.P.C.

69. It is evident that all the evidence against the Petitioner, relied by the Prosecution, is already on record, along with the Charge-Sheets. The copies of all the relied documents, in compliance of S.207 Cr.P.C. has already been provided to the Petitioner. The documents like WhatsApp group of DPSG, JCC group, MSJ, CAB etc. were ordered to be supplied to all the accused persons including Applicant/accused, Devangana Kalita.

70. In the afore reproduced Order, the Ld. Special Judge has comprehensively dealt with all the three lists detailing the documents to be supplied. It was observed that for those individual offences of riots, separate cases of rioting have been registered in North East Delhi and certain footages exist and used in those cases. The requisite documents have all been provided.

71. In so far as the documents pertaining to other accused, and the supply of the Whatsapp Chats, are concerned, these are not relied upon against the Petitioner, for which she has a right to seek the List/Inspection, a right which has already been availed by the Petitioner. These documents have been rightly denied in the Chargesheet.



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72. The impugned Order dated 05.08.2023 disposing of the Application under S.207 Cr.P.C., does not merit any interference, and is accordingly, dismissed.

73. The pending Application(s) are disposed of, accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

JUNE 05, 2026

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