

India's Supreme Court: Accused May Inspect Unrelied Documents and Seek Specific Records at Trial

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What the Supreme Court decided

An accused person can inspect documents seized by an investigating agency but not relied upon in its charge sheet. That does not mean the agency must make copies of every unrelied document and hand them over when charges are being framed. Where the material is voluminous, the accused may inspect it, identify the specific records needed, and seek their production at the appropriate point in the trial. An agency cannot be ordered to produce documents that it does not possess.

That is the practical result of *Central Bureau of Investigation v Anil Dixit*, Criminal Appeal No. 4618 of 2026, arising out of SLP (Crl) No. 17158 of 2026, reported as 2026 INSC 1064. The Supreme Court of India issued its reportable order on 25 September 2026. The bench comprised Justice J. B. Pardiwala and Justice K. Vinod Chandran.

The ruling is about access, identification and timing. It is not a finding that the requested material exonerates Anil Dixit, and it is not a general direction to disclose an entire investigation file before trial.

How the document dispute arose

Anil Dixit applied under Section 91 of India's Code of Criminal Procedure, 1973, for documents held or said to have been collected during a CBI investigation. A Special Judge in Ranchi granted a request on 21 September 2019. The CBI produced some material, objected to other requests, and said some documents were not in its possession. Another order followed on 18 July 2022 and was affirmed by the order challenged in the Supreme Court.

The requests covered ten categories, labelled (a) to (j). They included seizure memos, internal CBI registers, a source information report, documents seized but not relied upon in the charge sheet, minutes of Building Committee meetings, recordings and records of other meetings, bid material and appointment files concerning two entities named in the FIR but not charge-sheeted.

These were not interchangeable requests. Some material had already been supplied; some was available for inspection; some was said to be confidential or withdrawn from the request; and some was not held by the CBI. The Supreme Court dealt with those different positions rather than treating every unrelied document alike.

Why the earlier Section 91 decisions did not settle this appeal

The CBI invoked *State of Orissa v Debendra Nath Padhi*, (2005) 1 SCC 568. That decision said an accused person would ordinarily seek an order under Section 91 at the defence stage. Dixit relied on *Sarla Gupta v Directorate of Enforcement*, (2025) 7 SCC 626. Sarla Gupta discussed the earlier observation in the context of the record considered when charges are framed under Section 227. It also distinguished a list of unrelied documents from copies: an accused may receive the list at the charge-framing stage but is not ordinarily entitled to copies of the documents at that stage.

The bench expressly declined to resolve the relationship between those decisions for this appeal. It proceeded on the premise that documents available with the prosecuting agency may be needed to shape a defence, then asked when the particular documents could properly be sought. It is therefore inaccurate to describe Anil Dixit as overruling *Debendra Nath Padhi* or creating an unrestricted right to pre-charge copies.

Inspection of the voluminous seized material

The largest request concerned all documents seized during the investigation but omitted from the prosecution's relied-upon set. The CBI said the material was voluminous and offered inspection with the trial court's permission. The Supreme Court used that offer to establish a practical method of access.

After inspection, the accused may seek production of a particular document at the appropriate time, when the relevant prosecution or defence witness is examined. The CBI must keep the files ready during trial so that identified records can be produced when required. This avoids requiring indiscriminate production of a large collection at the stage of framing charges while preserving a route to obtain material that actually matters to the defence.

The Court also described an alternative. At inspection, the accused or an authorised representative may identify the precise document wanted. Both sides should record that identification in writing and sign it. The specified document should then be produced before the trial court without delay, and only the identified documents need to be kept available there at the relevant time.

The written identification matters. It creates a record of exactly what the accused requested and what the agency agreed it held, reducing later disputes over whether a particular file was selected during inspection. The order does not say that every inspected document automatically becomes admissible evidence or that its contents must be accepted as true.

Committee minutes that the accused said could help the defence

Dixit sought minutes of several Building Committee meetings identified by number and date. The CBI said it relied only on the minutes of the eleventh meeting, dated 27 January 2012, and had already supplied that record. Dixit maintained that minutes of other meetings would help answer the allegation against him.

The Supreme Court distinguished relevance claimed by the accused from actual possession by the CBI. If the other minutes are among the voluminous records available for inspection, Dixit may identify and seek their production under the method set out in the order at the proper trial stage. If they are not with the CBI, he may try to obtain them independently and prove them during defence evidence, including through India's Right to Information Act, 2005, or an appropriate witness. The trial court will decide their evidentiary value.

That is a measured ruling. The Court did not decide that the minutes are exculpatory; nor did it allow an agency's decision not to rely on a document to be the final word on whether the defence may later use it.

Records already supplied, withdrawn or unavailable

The seizure memos sought in category (a) had been produced. The requests concerning CBI daily diary and FIR registers, a dispatch register and source information were not pursued after the accused stated that he was not seeking the source of information or the case diaries. The Court did not make a fresh disclosure order for that material.

The CBI said it did not have the requested meeting video or photographs, certain meeting minutes or the technical bid. It also said that the two firms whose appointment files were requested had not been charge-sheeted. The Supreme Court held that material unavailable with the CBI could not be ordered to be produced by it. That is a limit based on possession, not a judicial finding that a missing document could never be relevant if obtained from another lawful source.

These distinctions matter when citing the decision. A lawyer should identify a document, establish why it matters, and ask whether the investigating agency actually has it. A broad request for every internal or unrelayed paper is unlikely to produce the same result as a specific request tied to a witness and a live issue in trial.

What the Court ordered

The Supreme Court set aside the challenged orders so that the trial could proceed under its tailored directions. It disposed of the CBI's appeal and directed the trial court to follow the inspection and production process described in the order. It did not dismiss Dixit's interest in the unrelieved material altogether.

The result is neither automatic disclosure of every unrelieved document at charge framing nor a blanket prohibition on defence access. Inspection can occur, particular documents can be identified, and their production can be sought when the trial reaches the point at which they are needed. Records not held by the CBI must be pursued, if at all, through an appropriate independent route and proved under the ordinary rules of evidence.

Practical use and limits of the ruling

For defence counsel, an effective request should name the record or category with enough precision to locate it, identify the issue it may address, and preserve a signed written list of specific documents selected during inspection. Counsel should also identify the witness or stage at which production will be sought. If the agency says it lacks the document, the next question is whether another lawful source can supply it and how it can be proved.

For a prosecuting agency, the order supports inspection of voluminous seized records with a workable process for identifying particular items. It also requires the agency to keep relevant files ready for trial and to produce the selected documents without delay under the Court's directions. A bare description of material as "unrelieved" does not settle whether it can be used by the defence.

The judgment should be read within its facts: a particular Section 91 application, the CBI's own compliance report and inspection offer, the accused's withdrawal of requests for source information and case diaries, and the distinction between records held by the agency and those it did not have. The bench did not resolve every question about an accused's entitlement under Section 91 at charge framing.

This is an Indian Supreme Court ruling under India's Code of Criminal Procedure, 1973. This article reports that decision and does not state the criminal procedure law of another jurisdiction. For litigation, check the complete judgment, the governing statute and later judicial treatment.