

FIR No. 82/15
State Vs. Sunil Sharma
PS : Crime Branch

14.07.2017

Present: Sh. Wasi-Ur-Rehman, Addl. PP for State.
Accused on bail, with counsel Sh. Shailender
Babbar.

Once the mobile phone numbers of the concerned police officials have come on record with names of the mobile phone service provider, the only prayer of the counsel for accused-applicant is that the call details record with location chart of these mobile phone numbers of the police officials (whose names find mentioned in two applications no. 37/16 and 73/17) for the period from 30.05.2015 to 31.05.2015 be got preserved during the pendency of trial.

Learned Addl. PP submits that order regarding preservation be passed subject to availability of the record.

Generally such like record is preserved by way of mobile phone service provider only for a period of one year as per terms of the license etc.

Learned counsel for applicant -accused submits that prosecution has cooked up story regarding arrest of the accused and conducting of proceedings on the given date, time and place and as such preservation and production of record is required. Learned counsel also submits that this record is required by him

for the purpose of cross-examination of these witnesses.

Keeping in view the case of prosecution regarding arrest of the accused on 30.05.2015 at about 2.37 pm and the plea put forth by learned counsel and decision in **Kamal Ahmed Mohammed Vakil Ansari v. The State of Maharashtra** 2013 CriLJ 858, the prayer for preservation and production of the record of the police official, whose names have been mentioned in the two applications, for the period 30.05.2017 to 31.05.2015 is allowed.

It is made clear that in view of the above fact that generally such like record preserved only for a period of one year, the concerned mobile phone service provider are directed to preserve and produce such record for the said period subject to their availability and in accordance with law. With these directions, applications are disposed of.

It is further directed that the concerned Nodal Officers shall be paid expenses by the accused, as not opposed to.

Be put up on 11.08.2017.

(Narinder Kumar)
Special Judge-2:NDPS Act(Central)
Tis Hazari Court:Delhi/14.07.2017