

FIR No. 82/15
PS Crime Branch
State v. Sunil sharma

18.02.2017

Present: Sh. Wasi-Ur-Rehman, Addl. PP for State with SI
Dinesh Kumar .

Accused on bail with counsel Sh. Shailender

Joint reply has been filed by the investigating
officer to the two applications of the accused.

Arguments heard. Wait for orders.

(Narinder Kumar)
Special Judge-2:NDPS Act(Central)
Tis Hazari Court:Delhi/18.02.2017

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ORDER

This order is to dispose of two applications bearing no. 35/16 and other bearing no. 37/16 filed by the accused.

So far as first mentioned application is concerned, accused has sought directions to the prosecution/ Investigating Agency to produce on record original electronic file of the FIR of case FIR No.82/15 dated 30.05.2015, that is of the present case, so that the same may be preserved.

In the joint reply to the two applications, SI Dinesh has submitted that all the FIRs are registered on CCTNS project, online and that no electronic file is available with them.

Record reveals that prosecution examined PW1 HC Jaipal singh, Duty Officer, to prove recording of FIR of this case. He was cross-examined to an extent but his further cross-examination was deferred at the request of learned defence counsel that he wanted to file application

for production of original electronic file of the FIR.

It may be mentioned here that PW1 HC Jaipal Singh had got registered FIR through computer operator. It was not recorded by PW1 himself. Even otherwise, it is submitted by Learned Addl. PP that even the computer operator would not be able to provide properties of the file containing the FIR, as he merely recorded on the system provided to him.

Since PW1 HC Jaipal Singh himself did not record the FIR, rather he got it recorded through computer operator, he would not be able to provide particulars of the concerned FIR file, so registered online.

As regards computer operator, he too would not be able to provide any such original electronic file, the reason being that he simply typed on the computer made available to him, while the data is fed online and goes to the server. In view of this, application filed by the accused seeking production of original electronic file pertaining to the FIR, is hereby dismissed.

As regards to other application no. 37/16, prayer is that mobile phone number of the members of the raiding party who are alleged to have visited the premises i.e. shop no. 1496, Ram Gali, Bhagirath Palace Market, Delhi, be provided so that the electronic record regarding their

location on the given date, during the time of their stay at the shop may be got preserved.

In reply filed by SI Dinesh Kumar, no mobile phone number of the members of the raiding party has been provided. SI Dinesh Kumar submits that he is not aware of mobile phone numbers of the members of the raiding party who had apprehended the accused persons on 30.05.2015. SI Dinesh could collect mobile phone numbers of those members of the raiding party, in case anyone of them was having the same with him on the given date, time and place but when he has not collected these details, Court is left with no option but to call all the members of the raiding party one by one so as to file affidavit of all the members of the raiding party, who apprehended the accused on 30.05.2016, to provide information therein if anyone of them was having any mobile phone connection on that date and if so as to what was the connection number with the name of the mobile service provider. In case anyone of them was not carrying any mobile phone number on the said date, time and place, each member to testify in the affidavit specifically in this regard.

Be put up on 27.02.2017.

(Narinder Kumar)
Special Judge-2:NDPS Act(Central)

Tis Hazari Court:Delhi/18.02.2017