

IA No. 02/2025
CBI Vs. Varun Popli
RC no.2182024A0014
CBI case no.63/25

30.10.2025

**Present: Ms. Neelam, Ld. Counsel for applicant/ accused.
Sh. A.K. Kushwaha, Ld. Sr. PP for CBI.
Applicant Varun Popli is present.**

This is an application under Section 362 Cr.P.C./ 403 BNSS for recalling of amended order dated 28.08.2025 passed without notice to the accused and in violation of natural justice and to restore the original final order dated 31.07.2025.

Reply to the application has not been filed. However, Ld. Sr. P.P. for CBI has orally argued the matter.

Ld. Counsel for applicant states that they had moved an application on 08.07.2025 for obtaining and preserving call records and location data from 15.05.2024 to 08.07.2025 which was allowed by the court vide order dated 31.07.2025. Thereafter, prosecution has filed an application for clarifications of the order on the ground that there was typographical error in the said order but no notice was given to the applicant. Applicant's counsel was not present due to strike and therefore, the clarification order dated 28.08.2025 be set-aside and order dated 31.07.2025 be restored.

Ld. Sr. P.P. for CBI has strongly opposed the application stating that the application is not maintainable and in the order dated 31.07.2025 only three months call details and location data was ordered to be preserved but there was a typographical error in paragraph 14, therefore, they moved an application for clarifications which was allowed in presence of the applicant who had appeared through VC.

Ld. Counsel for the applicant disputed the same and stated that no notice of the application was given to them.

The present application is not maintainable mainly for the reason that, as per order dated 31.07.2025 in para no.13 while dealing with issue of call record preservation it is clearly recorded that applicant was asking for preservation of call details records for unnecessarily longer period and taking into consideration the incident dated 31.07.2024 the court considered preserving the call details records of not more than three months i.e. from 01.06.2024 to 31.08.2024. However, in paragraph 14 the date has been mentioned as 15.05.2024 to 08.07.2025. This had caused confusion but the same was clarified by the court vide order dated 28.08.2025. However, even otherwise on merits of the application the purpose of allowing applicant's application was for providing him a reasonable defence by preserving the call records which in the considered opinion of this court was required only for a period of three months. Therefore, the contention of the applicant that he was allowed call preservation

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for more than one year is not sustainable and had already been clarified vide order dated 28.08.2025. Even on technical ground the application is not maintainable. Accordingly, the present application is dismissed.

The present application be tagged with the main case.

(Dinesh Bhatt)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/30.10.2025