

SC No. 17/2020
State Vs Mohneesh Javed Khan & Anr.
FIR No. 854/2019
PS: New Usman Pur

26.11.2020

Present: Sh. Sukhbir Singh, Ld. Substitute Addl. PP for the State.
Sh. U. A. Khan, Ld. Counsel for accused.
IO SI Ravi Poonia in person along with SHO Inspector Anand Yadav.

Submissions heard on the application moved on behalf of accused Mohneesh Javed Khan for directing IO/SHO to obtain the call details and location chart along with CAF of the police officials as well as accused persons mentioned in the application for dated 19.11.2019 from their respective service providers.

It is submitted on behalf of applicant that the location chart of the said telephone numbers used by police officials as well as accused on 19.11.2019 will assist the court in appropriate adjudication of the matter.

The prosecution is opposing the application with submissions that providing of information to the applicant will be an intrusion of the privacy of police officials as they were performing their official duties on that day.

It is submitted by Ld. Counsel for applicant that he is not seeking to provide the information of the location of the said telephone numbers of 19.11.2019 to the applicant or to the counsel but it is prayed that the record be preserved by the service providers which may be used by the accused at the

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time of trial and there is apprehension that the same may not be available due to the rules applicable for maintenance of the record.

It is submitted by Ld. Sub. Addl. PP that if the orders are passed only to preserve the location history of the telephone numbers mentioned in the application of 19.11.2019, then he has no objection and it will be prerogative of the court to ask the record at the time of trial.

Considering the facts and circumstances of the case, **service providers namely Vodafone, Idea, Jio through their nodal officers are directed to preserve the location of the telephone numbers mentioned in the para 6 of the present application pertaining to 19.11.2019 from 09:00 am onwards and to produce the same as and when required by the court.**

Copy of the order be provided to IO SI Ravi Poonia to serve upon the nodal officers concerned and service report be placed on record.

Put up on **30.01.2021** for prosecution evidence.

Summons to the witnesses be issued if the normal functioning of the court is resumed or taking of the matters fixed for evidence are allowed by Hon'ble High Court of Delhi till then.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/ Delhi 26.11.2020