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SC439/2023
STATE Vs. SAHIL GAHLOT
FIR NO. 76 /2023
PS Crime Branch, South West District

05.02.2024

Present: Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor
for the State.
Shri Rohit Grewal, counsel for the accused Sahil
Gahlot, Naveen and Virender.
Shri Sanjeev Kumar, counsel for the accused Amar
Gahlot.
Shri Sandeep Rana, counsel for the accused Ashish
Gahlot.
Shri Anirudh Yadav and Ms. Manjeet Kaur, counsels
for the accused Lokesh Yadav.
All accused are produced from JC.
IO Inspector Abhijit Kumar with ASI Randhir.

An application has been filed on behalf of counsel
for accused Naveen Gahlot to preserve call details record of
mobile no.XXXXXX0909 used by accused Naveen Gahlot at the
time of incident.

Copy supplied to state as well as IO, present before
the court.

IO further submits that Call Details Record can only
be preserve pursuant to the direction of this court.

Arguments heard on behalf of all the parties.

Request of IO is allowed.

IO is directed to do the needful to preserve the call
details record w.e.f 14.02.2023 to 18.02.2023 of mobile no.
XXXXXXX0909 used by accused Naveen Gahlot at the time of
incident.

Reliance is placed on case titled as “**Suresh Kumar/001 (Crl.) No. 1477/2014 SC**”, Hon’ble Supreme Court of India has observed in the said case to the effect that “electronic records are admissible evidence in criminal trials is not in dispute. Section 65 A and 65 B of the Indian Evidence Act make such records admissible subject to the fulfilment of the of the requirements stipulated therein which includes a certificate in terms of Section 65 B(4) of the said Act. To the extent the Appellant has every right to summon whatever is relevant and admissible in his defence including electronic record relevant to finding out the location of the offices affecting the arrest.

Hon’ble Supreme Court, keeping in view of the apprehension of the police regarding exposure of source of information and receipt of the informants and police officials concerned need not contain other information concerning such calls received or made from the telephone numbers concerned. In other words if the mobile telephone numbers called or details of the callers are blacked out of the information summoned from the companies concerned, it will protect the Respondent against any possible prejudice in terms of exposure of sources of information available to Bureau. Interest of justice, in our opinion be sufficiently served if we direct the Trial Court to summon from the companies concerned call details of given telephone numbers 9039520407 and 7415593802 of Tata Docomo Company and in regard to SIM No. 9165077714 of Airtel Company for the period 24.02.2013 between 04.30 to 08.30 PM. We further direct that calling numbers and the numbers called from the said mobile phone shall be blacked out by the companies while furnishing such details”.

In the light of law laid down in Suresh Kumar's case (Supra), it is apparent trial the court has ample power to preserve the call details of police team/accused persons in order to find out truth of the case.

Accordingly, SHO PS Crime Branch, South West District is directed to approach the concerned telecome company for preservation of call detail records of mobile no. XXXXXX0909 w.e.f. 14.02.2023 to 18.02.2023 for production in court/hand over to IO when specifically requested in future. However, it is made clear that the same would not be handed over to anyone and same shall be produced as when directed by this court at the appropriate stage.

IO submits that FSL report would be received by 29.02.2024 and he seeks time to file supplementary chargesheet after receipt of the FSL report.

Put up for remaining arguments on charge/receipt of FSL report/further proceedings on **04.03.2024**.

(Gurmohina Kaur)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
05.02.2024