

IA13/25 SC288/23
FIR43/23
STATE v. RANBIR
PS Special Cell

31.01.2026

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Sh. R.A. Worso Zimik, Ld. counsel for
applicant/accused.
IO is absent.

1. Request seeking exemption from personal appearance is received on behalf of IO Sub-Inspector Navdeep Ahlawat on the ground that he is currently out of Delhi, in the investigation of some other case where the accused persons are taken on transit remand from the Court of concerned Ld. JMFC, Kolhapur, Maharashtra. Heard. Allowed.

2. Perusal of the record reflects that the reply to the present application is already on record.

3. It is submitted by Ld. Addl. PP for the State that he does not require the assistance of the IO to address the arguments.

4. Arguments heard on behalf of both the parties.

5. Before proceeding ahead with the application on merits, this Court deems it fit to reproduce the prayers made by the applicant/accused in the present case:

‘(i) to issue appropriate order/direction to the prosecution to bring on record the CCTV footage of the Agra Toll Tax on the Lucknow-Agra Yamuna Express way for the dated 17.02.2023, Time: 9:30 to 11:00 AM as mentioned in the above para No. 5 Annexure-P1 showing the CCTV footages of the SCORPIO car bearing No. DL-01-CAF-0792 and of the BREZZA car bearing No. AS01-DR9488 as part of the charge-sheet in the matter.

(ii) to pass any order or direction to the prosecution to bring on record the CCTV footages installed at Lucknow Food and roadside Amenities Yamuna on the way from Lucknow-Agra, dated 17.02.2023, Time: 5:00 To 7:00 AM.

(iii) Any other further order/s or relief as this Hon’ble Court deem fit and proper be also issued in the interest of justice’

6. As far as the prayer no. 1 and 2 are concerned, what the applicant/accused is seeking directions to be given to the prosecution is to bring on record the CCTV footages of the Agra Toll Tax on Lucknow-Agra-Yamuna Expressway for 17.02.2023 and the CCTV footages of the camera installed at Lucknow Food and Roadside Amenities on the Lucknow-Agra Expressway.

7. It is trite law that the applicant/accused cannot insist upon the prosecution to file or rely on any document, which the prosecution has not made part of the charge-sheet. Neither can this Court direct the investigating agency or the prosecution to file any particular document, which the prosecution is not relying upon. The prayers made by the applicant/accused in the present application is not for preservation of the said CCTV camera footages and instead what the applicant/accused is praying is that the prosecution must bring it on record, which is to say that the prosecution must file the supplementary charge-sheet including the documents desired by the applicant/accused. No such direction to the investigating agency can be passed by this Court. Therefore, the present application is hereby dismissed for being devoid of any merits.

8. Although the present application is nothing but an abuse of the process of the Court, which led to wastage of precious judicial time and it deserves to be dismissed with cost,

however this Court is showing immense restraint in not imposing the cost.

9. The applicant/accused is at liberty to move an appropriate application seeking issuance of directions, which are permissible under the law, in case he needs preservation of the said CCTV footage for the purposes of his defense in the trial.

10. It is submitted by Ld. Counsel for the applicant/accused that the CCTV footage has already been preserved vide order dated 11.08.2023 passed by the Ld. Predecessor of this Court.

11. Perusal of the record reflects that the notice for the preservation of the CCTV footage was already sent by the IO through the Office of ACP concerned vide communication dated 03.04.2023. Since, the appropriate directions were already passed by the Ld. Predecessor of this Court and since the CCTV footage have already been preserved by the IO, no further directions are required to be passed. The applicant/accused shall be at liberty to call for the production of the said footage at the appropriate stage for the purpose of trial.

12. The conduct of the applicant/accused, wherein the appropriate relief has already been granted to him and still he

made this frivolous application is highly irresponsible and such frivolous applications must not be filed before the Court, since, the time in applying the judicial mind to the prayers of the present application could have been used for more pressing matters, especially when this Court has extremely heavy cause-list.

13. The application is dismissed and stands disposed of accordingly. Copy of this order be given *dasti*.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
31.01.2026