

MHCC020105 IN THE COURT OF SPECIAL JUDGE UNDER MCOC ACT,
882025 FOR GREATER MUMBAI AT MUMBAI



ORDER BELOW EXHIBIT- 66
IN
MCOC SPL. CASE NO.1403 OF 2025

The State of Maharashtra,]
(At the instance of MRA Marg police station]
vide C.R.No.08/2025.)] Complainant

Versus]

Ashish Jiledar Singh @ Suraj & Ors.] ... Accused No.4

CORAM : THE ADDL. SESSIONS JUDGE AND
THE SPECIAL JUDGE UNDER
MCOC/NIA/POTA ACT
Shri. S. R. Navander (COURT ROOM NO.55)
DATE : 09.07.2026.

Adv. Mr. P. K. Khade for Accused No.4.
SPP Mr. Taralgatti for State.

ORDER

The present application is preferred on behalf of Accused No.4 seeking directions for production and preservation of the Call Detail Records (CDRs), Subscriber Detail Records (SDRs) and tower location details pertaining to the mobile phones of the Investigating Officer, Shri Suraj Pravin Deore, attached to MRA Marg Police Station, Mumbai, and Shri Amit Soni, father of prosecution witness Jiyan Amit Soni.

Background:

2. The prosecution case, in brief, is that C.R. No.08 of 2025 came to be registered against the present applicant and other accused for the offences punishable under Sections 311, 310(2), 310(6), 111, 61(2), 61 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 3, 5, 25 and 27 of the Arms Act, Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 and Section 37(1) (a) read with Section 135 of the Bombay Police Act.

3. According to the prosecution, the informant is carrying on the business of courier services under the name “Vimal Air Services” and is a resident of Kalbadevi, Mumbai. On 6 January 2025, his establishment received consignments of gold ornaments from about 10 to 15 jewellers for transportation to Ratnagiri and Sawantwadi. The consignments were packed in separate boxes for dispatch. At about 10.10 p.m., the informant’s uncle and nephew proceeded towards the Chhatrapati Shivaji Maharaj Terminus railway station on a scooter carrying the consignments towards Platform No.18. When they reached the Blue Gate, they were intercepted by two persons riding a motorcycle. The assailants represented themselves to be police personnel. One of them assaulted the informant’s uncle with a red baton, while the other brandished a firearm and attempted to snatch the bag containing the gold ornaments. During the incident, two rounds were allegedly fired on the ground and, when the informant’s nephew resisted, two further shots were fired causing injuries to his leg. Thereafter, the assailants fled with the bag containing gold ornaments valued at ₹47,27,000/-. The injured was shifted to Saifee Hospital for treatment.

4. On the basis of the aforesaid information, the above crime came to be registered. During investigation, the present applicant and other accused came to be arrested on 7 January 2025. After police custody, they were remanded to judicial custody on 13 January 2025. Subsequently, a Test Identification Parade came to be conducted. In the aforesaid background, the present application has been preferred.

Submissions on behalf of the Applicant:

5. According to the applicant, Shri Amit Soni, father of prosecution witness Jiyan Amit Soni, was continuously accompanying the Investigating Officer during the course of investigation. It is further contended that while the applicant was lodged in the Bengaluru Jail, both the Investigating Officer and Shri Amit Soni visited the said jail and obtained the applicant's photograph. Thereafter, the applicant was brought to Mumbai on transfer warrant, interrogated in police custody and subsequently subjected to a Test Identification Parade.

6. It is further submitted that the identity of the applicant had already been disclosed and he had been exposed to the prosecution witnesses before the Test Identification Parade. Consequently, the parade was merely a managed exercise and cannot be treated as a genuine Test Identification Parade. It is, therefore, prayed that the CDRs, SDRs and tower location details of the aforesaid mobile numbers for the period from 12.07.2025 to 17.07.2025 be preserved so that the applicant may rely upon the said material at the appropriate stage of the trial.

7. Learned Advocate Shri P.K. Khade appearing for the applicant has placed reliance upon the judgment of the Hon'ble Bombay

High Court in **State of Maharashtra v. Vinod Jagannath Chaudhary, (2016 All MR (Cri) 443)**, wherein it has been held that an accused cannot be compelled to disclose his defence at the threshold and that an order directing preservation of the CDRs, SDRs and tower location details of the Investigating Officer and other concerned persons is legally sustainable.

Reply of the Prosecution:

8. Learned Special Public Prosecutor Shri Taralgatti opposed the application by filing his say. It is submitted that the application is devoid of merits and is founded on speculative allegations. It is contended that calling for the CDRs and tower location details of the Investigating Officer and the witness would amount to an unwarranted invasion of their right to privacy. It is further submitted that the Investigating Officer cannot be exposed in the manner sought by the defence and that there is no provision of law enabling the accused to seek collection of evidence in such a manner. According to the prosecution, the present stage is not appropriate and the accused cannot dictate the mode or manner of investigation. It is, therefore, prayed that the application be rejected.

Consideration:

9. I have heard learned Advocate Shri PK. Khade for the applicant and learned Special Public Prosecutor Shri Taralgatti for the State. I have carefully considered the rival submissions, the material placed on record and the legal position governing the issue.

10. The applicant has specifically alleged that the Investigating Officer and Shri Amit Soni remained in constant contact during the course of investigation; that both travelled to Bengaluru; that they secured the custody of the applicant from the Bengaluru Jail and brought him to Mumbai; and that thereafter the Test Identification Parade was conducted. According to the applicant, before holding the parade, his identity had already been disclosed to the identifying witnesses. The applicant intends to establish these circumstances during the course of trial and has, therefore, sought preservation of the relevant electronic data.

11. The law is well settled that an accused cannot be compelled to disclose the nature of his defence at the threshold. At the same time, electronic records maintained by telecom service providers are not preserved indefinitely and may cease to be available after expiry of the prescribed retention period. If such material is not directed to be preserved at this stage, the applicant may lose the opportunity of relying upon the same, should it become relevant during the course of trial.

12. The allegations made by the applicant are specific in nature and are not vague or omnibus. Whether those allegations are ultimately established is a matter of evidence. However, having regard to the nature of the defence sought to be raised and the law laid down by the **Hon'ble Bombay High Court in State of Maharashtra v. Vinod Jagannath Chaudhary** (supra), this Court is of the opinion that the interest of justice would be adequately safeguarded by directing preservation of the relevant electronic data, without directing its immediate production.

13. Simultaneously, the privacy rights of the Investigating Officer and Shri Amit Soni also deserve due protection. Their CDRs, SDRs and tower location details cannot be permitted to be accessed by either party as a matter of course. If necessity arises during the course of trial, this Court may call for such records in a sealed cover and pass appropriate orders regarding their inspection or use strictly in accordance with law. At this stage, preservation of the data alone would sufficiently balance the competing interests of the applicant and the prosecution. Accordingly, the following order is passed.

ORDER

1. Application Exhibit-66 is partly allowed.
2. The Investigating Officer shall, within seven days, communicate with the concerned telecom service providers in respect of Mobile No. 9421377524 (Shri Suraj Pravin Deore) and Mobile No. 9819021622 (Shri Amit Soni) and call upon them to preserve the Call Detail Records (CDRs), Subscriber Detail Records (SDRs) and tower location details pertaining to the period from 12.07.2025 to 17.07.2025, until further orders of this Court.
3. It is clarified that the present order is confined only to preservation of the aforesaid electronic records. The question of their production, inspection, admissibility or use during trial shall be considered independently at the appropriate stage, in accordance with law.
4. The application stands disposed of accordingly.

Dated: 09.07.2026.

(Satyanarayan R. Navander)
ADDL. SESSIONS JUDGE
& SPECIAL JUDGE UNDER MCOC ACT
GREATER MUMBAI.
(COURT ROOM NO.55)

Dictated on : 09.07.2026.

Checked on : 09.07.2026.

Signed on : 09.07.2026.

“ CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”.		
UPLOAD DATE	UPLOAD TIME	NAME OF STENOGRAPHER
09.07.2026	05.30 p.m.	Mayuresh P Tathe
Name of the Judge (With Court Room No. 55)		Shri. S.R. Navander
Date of pronouncement of JUDGMENT/ORDER		09.07.2026
JUDGMENT/ORDER signed by P.O. on		09.07.2026
JUDGMENT/ORDER uploaded on		09.07.2026