

**IN THE COURT OF ADDL. SESSIONS JUDGE, COURT NO. 1, MAU**

**Present : Baquar Shamim Rizvi (Higher Judicial Service)**

**Judicial Officer Code No. UP6398**



UPMA010006122024

**Criminal Revision No. 31 of 2024**

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**Harishankar Vishvakarma** aged about 25 years son of Chandrika Vishvakarma

R/o- Indara, Post-Indara, PS- Kopaganj, Distt. Mau.

**--Revisionist**

***Versus***

**State of U.P.**

**--Opposite Parties**

**JUDGMENT**

1. Present criminal revision has been preferred against the impugned order dated 28.11.2023 passed by the learned Chief Judicial Magistrate, Mau in Crl. Misc. Application titled as 'State Vs. Harishankar Vishvakarma'. By the impugned order, the learned Magistrate rejected the application filed by the accused/revisionist which was filed under Section 91 Cr.P.C.
2. Heard the counsel for the revisionist and learned Additional District Government Counsel (Crl.) and perused the record.
3. The brief facts of the case are that the applicant/revisionist Harishankar Vishvakarma has moved an application under Section 91 Cr.P.C. before the lower Court stating therein that police of local police station came to his house on 23.03.2023 at 07.30 PM and got him arrest and wrongly charged him accused in a case. The mobile phone of the applicant is still kept in the police station concerned in which two sim cards of Airtel No. 9648434746 and Jio No. 9696004144 is active. On above grounds, the applicant prayed that the CDR reports of above two mobile numbers from 23.03.2023 till the present day are required to be provided.
4. The learned Magistrate, vide order dated 28.11.2023, rejected the application moved by the applicant observing that the investigation is still ongoing and the application is not maintainable. Against the impugned order, the applicant has preferred this Criminal Revision.
5. The revisionist has stated in the revision petition that the learned Magistrate

has not applied his judicial mind while passing the impugned order. The learned Magistrate stated that the investigation is still ongoing however, as per report of C.O. Ghosi dated 15.09.2023 it is clearly stated that on 27.06.2023, the charge-sheet has been sent to the Court. The learned Magistrate has not perused the evidence on record.

6. The learned Additional District Government Counsel (Crl.) submits that there is no illegality or irregularity in passing the impugned order, as the application of the applicant is not maintainable at this stage. He prayed for dismissal of revision.
7. From perusal of the impugned order, it transpires that the learned Magistrate has recorded that the investigation is still ongoing hence, the application regarding call for CDR report is not maintainable. Perusal of the records reveals that the application has been filed by the applicant under Section 91 Cr.P.C. Hence, it is necessary to quote the provisions of Section 91 Cr.P.C. which is as under:-

**Section 91 Cr.P.C.:- Summons to produce document or other thing-**

*1) Whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.*

*2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.*

*3) Nothing in this section shall be deemed-*

*(a) to affect sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), or the Bankers Books Evidence Act, 1891 (13 of 1891), or*

*(b) to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the postal or telegraph authority.*

8. From the perusal of the records it reveals that the applicant has not stated anything regarding the purpose of his requirements for which the concerned CDR report is prayed to provide. As per provision of Section 91 Cr.P.C, the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this

Code. The applicant has not proved the necessity and desirability of such CDR report. In spite of that, the applicant has also not stated anything as to how the alleged document is helpful in the disposal of the case concerned.

9. In the backdrop of above discussion and the provisions of Section 91 of the Code, this Court finds that the grounds for revision given by the revisionist have no force. The learned Magistrate has not committed any illegality, impropriety or irregularity in passing the impugned order. Therefore, the present revision is liable to be dismissed.

**ORDER**

The present criminal revision is **dismissed**. The the impugned order dated 28.11.2023 passed by the learned Chief Judicial Magistrate, Mau in Crl. Misc. Application titled as 'State Vs. Harishankar Vishvakarma' is upheld and affirmed. Lower Court's record be sent back to the Court concerned along with the copy of this Order.

Consigned the records of this Criminal Revision as per the rules.

**Dated: 04.07.2026**

**[Baquar Shamim Rizvi]**

Addl. Sessions Judge  
Court No. 1, Mau

Judgment Dated, signed and pronounced by me in the open Court today.

**Dated: 04.07.2026**

**[Baquar Shamim Rizvi]**

Addl. Sessions Judge  
Court No. 1, Mau