

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 8692 of 2021**

**With
CRIMINAL MISC.APPLICATION (FOR ADDITIONAL EVIDENCE) NO. 2 of
2022**

In R/SPECIAL CRIMINAL APPLICATION NO. 8692 of 2021

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MOHAMMED SUHEL MOHIYUDDIN TIRMIZI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR MEET G RAVAL(10630) for the Applicant(s) No. 1,2,3

MR RAJABHAI J GOGDA(3628) for the Respondent(s) No. 2

NANAVATI ASSOCIATES(1375) for the Respondent(s) No. 4,4.1

NOTICE NOT RECD BACK for the Respondent(s) No. 3

PUBLIC PROSECUTOR for the Respondent(s) No. 1

RAJVI PATEL(9620) for the Respondent(s) No. 5

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 02/09/2024

ORAL ORDER

1. Heard learned advocates for the respective parties.
2. The learned advocate appearing for respondent Nos. 2 to 4.1 has submitted that the service provider companies have nothing to do with the offence, and their role is very limited. They have raised a concern that, as per the guidelines issued by the DOT, only one year of data is available. If any additional data needs prior to one year then, to be retrieved from the server, as it is not available in its original form. However, they are ready to provide whatever retrieved data is available with the respective companies and hand it over to facilitate the investigation.

3. Further, he has submitted that, as far as Reliance Jio Company is concerned, no number has been provided to it. If any number is provided to the company, respondent is ready and willing to assist the investigation agency by providing the such data if available with the company.

4. In view of the above, the respondent No.2 to 4.1 service provider companies are directed to retrieve the data from the server and to provide the same in whatever format it is available on their servers to the investigating agency as well as the petitioner/victim along with a certificate following the procedure outlined in Section 65(B) of the Indian Evidence Act (**Section 63 of the Bharatiya Sakshya Adhiniyam, 2023**).

5. The Investigating Agency is directed to provide the date through learned APP.

Stand over to 01.10.2024.

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(HASMUKH D. SUTHAR,J)