

RAJASTHAN HIGH COURT



सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 3134/2026  
CNR: RJHC010372992026  
URN: CRLMP / 5613U / 2026

Sukhanath S/o Dhanna Nath, Aged About 36 Years, R/o Devali Kheda, Police Station Kotadi, District Bhilwara, Rajasthan.

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

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|-------------------|---|-------------------------------------------------------------------------------|
| For Petitioner(s) | : | Mr. Deepak Menaria with<br>Mr. Naresh Khatri and<br>Mr. Sharwan Kumar Bishnoi |
| For Respondent(s) | : | Mr. Vikram Rajpurohit, PP<br>Mr. Naresh Kumar Sharma, C.I.,<br>P.S. Kotadi    |

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**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**  
**Order**

**20/07/2026**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has been falsely shown to have been arrested on 05.02.2025, whereas, in fact, he was allegedly picked up by the DST Team on the night of 04.02.2025. It is submitted that the petitioner was illegally detained at the police station and, therefore, an application was preferred seeking preservation and production of the CCTV footage of Police Station Kotadi and Police Station Bigod.

Learned counsel further submits that the said Criminal Miscellaneous Petition was allowed by a Co-ordinate Bench of this Court, whereby specific directions were issued for production of the CCTV footage vide order dated 19.03.2025 passed in S.B.

Criminal Misc. Petition No. 2260/2025. It is submitted that, in compliance with the said order, a sealed envelope was produced before the learned trial Court. However, it was stated therein that the CCTV footage was not available. Thereafter, the petitioner filed an application under Section 94 of the BNSS seeking the mobile location records and Call Detail Records (CDRs) of the members of the seizure team, the personnel of Police Station Bigod, the DST Team, as well as the family members of the petitioner, who are stated to have been picked up along with him.

Learned counsel further submits that Call Detail Records are ordinarily preserved only for a period of two years, after which they become irretrievable. Therefore, any delay in summoning the said records would frustrate the very purpose of the application and cause irreparable prejudice to the defence.

Learned counsel has placed reliance upon the orders passed by the Co-ordinate Benches of this Court in *S.B. Criminal Misc. Petition Nos. 2260/2025 and 3672/2023*, wherein similar applications were allowed by holding that summoning the Call Detail Records and mobile location details was imperative to ensure a fair trial and to afford the accused a meaningful opportunity to establish his defence. It was observed therein that, if the records sought were found to support the defence version, they would have a material bearing on the prosecution case. It is submitted that the learned trial Court rejected the petitioner's application vide order dated 17.01.2026 without considering the law laid down by this Court.

Learned Public Prosecutor has opposed the prayer and submitted that such records, if required, may be summoned only at the appropriate stage of the trial.

This Court finds that the issue regarding the right of an accused to seek the Call Detail Records and mobile location details of the seizure officer and other persons connected with the alleged incident already stands concluded by the decisions of the Co-ordinate Benches of this Court in SB CRLMP No. 3672/2023 titled as *Chotha Ram & Anr. v. State of Rajasthan* and SB CRLMP No. 273/2020 titled as *Swarn Singh @ Baba v. State*. The Co-ordinate Benches have held that where the defence specifically pleads false implication and disputes the prosecution's version regarding the time and place of arrest or occurrence, the accused is entitled to seek such records, as they may be essential for effectively establishing his defence and ensuring a fair trial.

The Coordinate Bench of this Court, in *Swarn Singh* (supra), dealing with an identical issue, held as under:—

"Having heard and considered the submissions advanced by learned counsel for the parties and after going through the impugned order and so also keeping in view the ratio of this Court's judgments relied upon by the counsel for the petitioner in the matters of ***Manju Devi (Smt.) Vs. State of Rajasthan 2014 (3) Cr.L.R. (Raj.) 1226, Jasveer Vs. State of Rajasthan 2015 (1) Cr.L.R. (Raj.) 526*** and ***Sheru @ Surajnath 2014 (1) R.Cr.D.435 (Raj.)***, I am of the firm opinion that summoning of these call details was absolutely imperative for fair trial and providing a just opportunity of defence to the accused. In case, the allegations set out in the application for summoning the call details are fortified from the call details, manifestly, the entire prosecution case would stand falsified. Therefore, the trial court was not justified in rejecting the application by the impugned order which does not stand to scrutiny.

It is therefore ordered that the trial court shall, forthwith summon the call details of the mobile phones of all the three officers whose names are referred to in the

impugned order from the service provider provided that such call details are still stored in the database. The accused shall be at liberty to use these call details at the appropriate stage of trial.

All Courts in the State of Rajasthan are directed that whenever an application is moved to summon the call details during a criminal proceeding, the same shall not be deferred and will be decided forthwith so as to ensure that the prayer to summon the call details is not rendered infructuous by passage of time because the service providers have a protocol of deleting the records after one year whereafter, the same cannot be retrieved."

In view of the aforesaid and in the light of the judgment rendered by the Co-ordinate Benche of this Court in *S.B. Criminal Misc. Petition Nos. 3672/2023*, this Court is inclined to interfere with the impugned order.

Accordingly, the present criminal misc. petition is hereby allowed.

Consequently, the order dated 17.01.2026 passed by the learned trial Court in sessions case no. 48/2025 is quashed and set aside and application dated 10.12.2025 moved by the petitioner before the trial court under Section 94 BNSS and Section 168 BSA is allowed

Learned trial court shall pass necessary directions to the respondent-State, police officers as well as the service provider company of the respective mobile numbers for providing requisite call details and tower locations of the police officers, and other persons names of which are mentioned in the application dated 10.12.2025. The police officer of the concerned Police Station shall also be directed to procure the above evidence at the earliest so as to prevent them from destroying, vanishing and deletion. After receiving the above evidence, the trial court is directed to keep it on record of the case along with certification under Section 65-B

of Indian Evidence Act and the same could be utilized by both the parties during the examination of the witnesses.

Stay application as well as all pending application(s), if any, stands disposed of.

**(BALJINDER SINGH SANDHU),J**