

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.48790/2018

(Gokul Singh s/o Dhuraram
Versus
The State of Madhya Pradesh)

Indore, Dated 31.12.2018

Mr. Abhay Kumar Saraswat, learned counsel on behalf of Shri Virendra Sharma, learned counsel for the petitioner.

Ms. Archana Kher, learned Public Prosecutor for the respondent / State of Madhya Pradesh.

They are heard.

ORDER

This application under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioner assailing order of learned Additional Sessions Judge, Garoth District Mandsaur (MP) dated 12.11.2018 passed in Sessions Trial No.164/2018, whereby the learned Judge dismissed the application filed by the petitioner under Sections 91 and 92 of Code of Criminal Procedure, 1973 and under Section 65 of Information Technology Act, 2000.

2. Learned counsel for the petitioner prayed that Call Details of Mobile Nos.8120470785 and 9161348664 (of Gokul Singh), 947976126 (of Pratap Singh), 8989811368 and 9977430069 (of Assistant Sub Inspector Gendalal), 8959335576 and 7049132422 (of Constable Ravi Bhandari), 9826314845, 9893308343, 7049132429, 8349324775, 9689647120, 9424090026, 8989404314 and 7587617336 (of Kailash Joshi, Sunil Yadav, Rakesh

Kumar, Kan Singh, Dilip Nagar and Station House Officer Gopal Singh respectively) must be preserved, as record may be required for adducing his defence and also on the ground that such details are destroyed after lapse of one year. According to the petitioner, he wants to prove location of the concerning police personnel at the time of incident.

3. Learned trial Judge dismissed the application observing that these details are not necessary and he can prove his defence by cross-examining the concerned police personnel.

4. I have heard counsel for the parties.

5. In view of the allegation made in the complaint, the application is partly allowed. It is directed that learned Trial Judge shall send the intimation to the concerning Company to preserve the record of the Calls made by and on the Mobile numbers as mentioned above, also their locations on the relevant point of time, proof of which shall be subject to proof of ownership of these number.

6. Accordingly, Miscellaneous Criminal Case No.48790/2018 stands disposed of.

(Virender Singh)
Vacation Judge

Pithawe RC