

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010099002024</u> <u>C482/1196/2024</u> Vineet Sharma Alias Cheenu Pandit --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Siddhartha Sah, J.</u> Ms. Divya Jain, learned counsel for the applicant appeared through V.C. 2. Mr. G. S. Sandhu, learned Additional Advocate General assisted by Mr. B. N. Molakhi, learned Deputy Advocate General and Mr. Vikash Uniyal, learned Brief Holder for the State. 3. By means of the present Criminal Misc. Application under Section 482 of Cr.P.C., the applicant has sought an appropriate order or direction to the learned 2nd Additional Sessions Judge, Roorkee, District Haridwar to call/summon the call detail records and mobile location of Mobile No.9639973928 of Amit Verma, Mobile No.9897609291 of Anuj Tyagi and Mobile No.8958845611 of Sushil Saini in view of application dated 22.10.2016 moved by applicant before learned Judicial Magistrate, Roorkee and application dated 04.08.2018 moved before 2nd Additional Sessions Judge, Roorkee, Haridwar in S.T. No.175 of 2016 (Case No.115 of 2016) '<i>State vs. Rajeev Sharma @ Monu & others</i>', under Section 302/34 of IPC, Police Station Kotwali Gangnagar Roorkee, District Haridwar within stipulated period as may deem fit and proper by this

			Hon'ble Court. 4. Referring to an application dated 22.10.2016 addressed to the learned Judicial Magistrate, Roorkee, District Haridwar, learned counsel for the applicant would submit that on the said application dated 22.10.2016, there was an endorsement of learned Judicial Magistrate, Roorkee, Haridwar dated 04.11.2016, wherein it is stated that the copy of the letter be forwarded to S.H.O./Investigating Officer. Ahalmad is directed to keep it on file as required by procedure. 5. Learned counsel for the applicant would submit that the important Call Detail Records of the prosecution witnesses would, in fact, indicate their presence or non-presence at the place of incident and the evidence which would throw light for the trial court to coming to the just and proper conclusion. 6. Learned counsel for the applicant would further submit that despite of the said endorsement dated 04.11.2016, neither the S.H.O nor the Investigating Officer bothered to collect the said Call Detail Records and neither the same was brought on record; hence, there has been a complete lapse on the part of the prosecution. She would further draw the attention of the Court to paragraphs 4, 5 and 9 of the additional counter affidavit filed by the learned Assistant Government Advocate, dated 07.07.2025, and would submit that the State has admitted its lapse in failing to collect and place on record the relevant Call Detail Records (CDRs), and that there has been an admission of inadvertence and administrative lapse on the part of the Investigating Officer. Paragraph nos.4, 5 & 9 of the additional counter
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			affidavit are being extracted hereunder:- <i>“4. That the deponent most respectfully state before this Hon'ble Court that the Learned Trial Court after considering the application dated 22.10.2016, placed the application before the Investigating Officer directing the I.O. to collect and place on record the relevant CDRs, however due to inadvertence and administrative lapse on the part of then Investigating Officer the said direction could not be complied within the stipulated time period.</i> <i>5. That the deponent does not seek to justify or defend the said lapse and acknowledged that the Investigating Officer ought to have acted promptly in compliance with Court's direction. It is further submitted that the said lapse though unfortunate, does not indicate any deliberate suppression or malafide on part of the prosecution. The investigation otherwise stand supported by other oral and reliable evidence which duly corroborates the prosecution.</i> <i>9. That CDR data retention by telecom company is limited to a period of two years at the time of the incident, as per the licencing condition and Trai guideline. The second application in question was filed on 4.8.2018 at much later stage by which time the data could not be retrieved from service provider.”</i> However, she would very fairly submit that the trial is at its fag end and only the judgment is to be delivered on 06.07.2026 by the trial court of 2nd Additional Sessions Judge, Roorkee, District Haridwar and she has very fairly submitted that at this stage only the observation of the court to the effect that there has been a lapse on the part of the Investigating Officer, the purpose would be served since nothing further survives in the matter. 7. <i>Per contra</i>, Mr. G. S. Sandhu, learned Additional Advocate General for the State, would submit that the
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		application moved on behalf of the applicant was, in fact, filed after the filing of the charge-sheet, and as such, since the investigation had already concluded, there was no rhyme or reason for filing such an application, inasmuch as the Call Detail Records (CDRs) could have formed part of the record only if they had been collected during the course of the investigation. Since the application was filed much later, after the filing of the charge-sheet, although there might have been an endorsement by the learned Judicial Magistrate, the presumption would be that the CDRs could have formed part of the record only if they had been collected during the investigation. Only then could they have been placed before the Court. 8. Learned State counsel, however, very fairly concedes that the inadvertence and administrative lapse on the part of the Investigating Officer are clearly evident from the additional counter affidavit. 9. Since the trial has reached the fag end and only the judgment remains to be pronounced by the trial court, nothing further survives for consideration in the present application. Accordingly, the present application is disposed of with the observation that the State, in its additional counter affidavit dated 07.07.2025, has admitted the inadvertence and administrative lapse on the part of the Investigating Officer. 10. Accordingly, the present C-482 application under Section 482 of Cr.P.C. is, thus, disposed of. (Siddhartha Sah, J.) 03.07.2026
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