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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : MAY 30, 2016

+ **Crl.Rev.405/2016 & Crl.M.A.Nos.9092-93/2016**

STATE

..... Petitioner

Through : Mr.Ashok Kumar Garg, APP.

versus

SHIV DASS @ SANDEEP

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present revision petition has been filed by the State to challenge the legality and correctness of an order dated 26.10.2015 whereby the learned Trial Court directed to supply the copy of the call details to the accused against receipt.

2. I have heard the learned Additional Public Prosecutor and have examined the file. The respondent-Shiv Dass @ Sandeep is facing trial under Sections 376/386/354/354D/506 IPC registered at Police Station Naraina. Vide order dated 20.08.2015, an application under Section 91 Cr.P.C. was filed on behalf of the accused to direct the service provider to preserve call details of phone No.9717510193 for a period from 01.06.2013

to 25.02.2015 along with phone number 8376888662 and produce it before the court for the effective defence evidence. Accordingly, the concerned mobile operators were directed to make available the said call details records and to preserve it during the pendency of the trial. The said order remained unchallenged. On 26.10.2015, the Nodal Officer Dinesh Kumar from Vodapone filed compliance report along with the copy of prepaid customer form, I.D. Card and call details of mobile No.8376888662 for the period from 24.09.2014 to 25.02.2015. Copy of the same was placed on record.

3. The impugned order whereby the copy of the call details were made available to the accused by the Trial Court cannot be considered illegal or irregular. The authenticity and correctness of the call details have not been ascertained yet; it is to be ascertained during trial.

4. The present petition filed without any cogent ground is dismissed in limini. All pending application(s) also stand disposed of. Copy of the order be sent to the Court concerned for information.

(S.P.GARG)
JUDGE

MAY 30, 2016

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