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

**DECIDED ON : 21<sup>st</sup> SEPTEMBER, 2016**

+ **CRL.M.C.3483/2016**

NAWAB CHANDELA ..... Petitioner

Through : Mr.O.P.Jatav, Advocate with  
Mr.M.K.Gahlaut, Advocate.

**VERSUS**

STATE NCT OF DELHI ..... Respondent

Through : Ms.Meenakshi Dahiya, APP.

**CORAM:  
HON'BLE MR. JUSTICE S.P.GARG**

**S.P.GARG, J. (Oral)**

**CRL.M.A.No.14720/2016 (Exemption)**

Exemption allowed subject to all just exceptions.

The application stands disposed of.

**CRL.M.C.3483/2016 & CRL.M.A.No.14719/2016 (Stay)**

1. Present petition under Article 227 of the Constitution of India read with Section 482 Cr.P.C. has been filed by the petitioner to challenge the legality and correctness of an order dated 02.05.2016 of learned CMM (West) Tis Hazari Courts, Delhi whereby application moved by him under Section 91 Cr.P.C. was dismissed.

2. I have heard the learned counsel for the petitioner and have examined the file. Undisputedly, the petitioner is facing trial in case FIR

No.580/2014 registered under Sections 376/328/506 IPC at PS Khyala. Upon completion of investigation, a charge-sheet has been filed against the petitioner. The prosecutrix seemingly has not yet been examined.

3. The instant application was filed by the petitioner to bring on record 'CD' along with hardcopy allegedly containing conversation of the victim with some individuals whereby she claimed that the FIR lodged by her was false. The Trial Court has noted that this CD was made available to the Investigating Officer during investigation. However, it was not deliberately placed on record by the Investigating Agency. Its genuineness and authenticity has not yet been ascertained. The petitioner has the remedy to confront the prosecutrix / victim with any such conversation in the cross-examination.

4. The petitioner further intends that the Investigating Agency be directed to make available the Call Details Record made by the prosecutrix on 06.08.2014 and 07.08.2014 at 100. The Trial Court order records that similar information sought by the petitioner under RTI Act was declined due to its non-availability after the expiry of one month.

5. I find no illegality or irregularity in the impugned order. The petition lacks in merits and is dismissed. Pending application also stands disposed of as infructuous.

6. Copy of the order be sent to the Trial Court for information.

**(S.P.GARG)**  
**JUDGE**

**SEPTEMBER 21, 2016 / tr**