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

+ CRL.M.C. 2854/2017 & Crl.M.A.No. 11839/2017

PARDEEP

..... Petitioner

Through Mr. Trideep Pais, Ms. Sanya Sud and
Ms. Deeksha Gujral, Advocates
versus

STATE

..... Respondent

Through Ms. Meenakshi Chauhan, APP for
State with SI Dhananjay Kumar,
P.S.Tilak Nagar

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **26.07.2017**

Learned counsel for the petitioner submits that the trial court has directed for the collection and preservation of the CDR of petitioner, co-accused Situ and the complainant, Ms. Poonam. However, the prayer of the petitioner for collection and preservation of the CDRs of Vishal Kumar, husband of the co-accused Situ and one Sh. Rohit Shrivastava has been declined. It is submitted that the CDRs of Sh. Vishal Kumar and Sh. Rohit Shrivastava are also necessary to prove the defence of the petitioner. It is further submitted that Ms. Situ along with her husband Vishal Kumar, had

left the alleged place of occurrence and was also seen in the CCTV leaving the house along with her husband much prior to the alleged time of incident. The call record of Vishal Kumar would show that the co-accused Situ was with him in the matrimonial home at the time of alleged incident. Complainant was having affair with one Rohit Shrivastava and was in touch with him on phone. Petitioner objected to this and brought this fact to the notice of her parents. Complainant got annoyed and falsely implicated the petitioner and his sister in this case. Transcript of conversation between the complainant and Rohit has been annexed as Annexure P-3. It is submitted that in case the CDRs are not collected now the same will not be available to be proved in the defence evidence as the service provider would destroy the CDRs after one year.

In my view CDRs have to be preserved during trial, in view of the defence taken by the petitioner. Accordingly, SHO of Police Station, Tilak Nagar is directed to obtain the CDRs of the mobile phones of Vishal Kumar, that is, sim number 9211557815 and Rohit Kumar Shrivastava, that is, sim number 9990972669 from the respective service providers i.e. Tata TeleServices Limited and

Reliance Jio Infocomm, for the period 15th November, 2016 to 15th December, 2016.

Petition is disposed of in the above terms.

A.K. PATHAK, J

JULY 26, 2017/mw