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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 184/2018

THE STATE GOVT OF NCT OF DELHI

..... Petitioner

Through: Ms. Radhika Kolluru, Additional Public
Prosecutor for State with SI Ashwani, P.S.
Jyoti Nagar.

Versus

SABINA BIBI & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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13.09.2018

This petition impugns an order dated 15.12.2017 passed by the learned Additional Sessions Judge, Shahdara District, Karkardooma Courts, Delhi, which had directed the Investigating Officer to procure the Call Details Records (CDRs) containing tower-wise location of the police staff, as well as of accused persons on 21.12.2017, on the ground that it infringes the privacy of the police staff. However, the Court is of the view that there has to be a balance between the privacy of the police staff and the liberty of the accused, as has been recorded in the impugned order itself:-

“2. Considering the lack of transparency in investigation of the NDPS matters, involving huge punishment, without there being any discretion regarding the quantum of punishment of the imprisonment in the event of conviction, it is imperative that obsolete methods of investigation are discouraged. Therefore, it is imperative to

authenticate the process of recovery/seizure of contraband etc. on which alone the fate of the accused/prosecution case depends.

3. So with a view to ensure the authenticity of recovery/seizure and also to rule out the instances of false implication, it is important that at least the CDRs of the police staff, secret informer and the accused (if he was found in possession of mobile phone at the time of personal search) are taken. Needless to say that ideally the whole process of recovery and seizure must be photographed/video graphed and in my view, no reason can justify the not following of these safeguards with a view to ensure fair investigation and balance the rights of the accused vis-a-vis the investigation of the police.”

Furthermore, apropos the privacy of the police staff, the impugned order does not yet order the handing over of CDRs to the accused, it only directs the seizure of the same. Therefore, the State can have no cause of concern at this stage. The petition is without merits and it is accordingly dismissed.

NAJMI WAZIRI, J.

SEPTEMBER 13, 2018

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