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

+ CRL.M.C. 1602/2018 & Crl.M.A.5820/2018

THE STATE GOVT OF NCT OF DELHI Petitioner

Through : Mr.Ashish Dutta, APP for the State.

versus

MOHD MIYA @ MOHD Respondent

Through : Mr.Hitesh Kumar Bhardwaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.07.2018**

The State is aggrieved and has come up with the petition at the time invoking the provision contained in Section 482 Cr.P.C questioning the propriety of the order dated 05.12.2017 passed by the Special Judge (NDPS) in Sessions Case No.266/2017 against the respondent arising out of FIR No.248/2017 registered at Police Station Welcome involves offence under Section 21 NDPS Act. It is seen that on the date the impugned order was passed, the supplementary charge-sheet was filed on the basis of FSL report. The Special Judge directed the Investigating Officers/Station House Officer (IO/SHO) to procure the call detail records and location via mobile tower of all the members of the raiding team and also of the secret informer and himself and that of the accused persons. The IO was also directed to produce the mobile phone of the accused-

respondent (if any) when the matter was taken up next. Further direction was given to the (mobile phone) service provider concerned to preserve the call detail record for the date of alleged offence.

The State is aggrieved because the above said order was passed without any reason and with no prayer or justification having been submitted in such respect. On being asked, the learned counsel for the respondent confirms that he had not made any application or prayer for such an order to be passed. The order so passed by the Special Judge is bereft of any reasons and in the nature of roving inquiry and, therefore, cannot be sustained. It is set aside.

The petition is disposed of.

Order *dasti*.

R.K.GAUBA, J.

JULY 12, 2018/sa