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

+ **CRL.M.C. 2703/2019**

SUDHIR SINGH

.....Petitioner

Through: Mr. Dhananjay Kaushal and
Mr. Tushar Kantiwal, Advocates

versus

STATE

.....Respondent

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with SI PR Hudda

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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20.05.2019

CRL.M.A. 10807/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 2703/2019 & CRL.M.A. 10808/2019

Petitioner's application under Section 91 Cr.P.C. for preservation and production of the call detail records of mobile phones, as referred to in Para- 6 of this petition, has been declined by trial court vide order of 1st May, 2019 without giving any tangible reasons.

The details of the mobile phones sought by petitioner are as under:-

Sr. No.	Mobile No.	Service Provider
a.	9899309575	Vodafone
b.	9250503594	Not known

c.	7011383924	Reliance Jio
d.	9250446645	Not known
e.	9873050180	Vodafone

Learned counsel for petitioner submits that service providers retain the records of the mobile phones for a period of thirteen months and so, it is necessary to direct the service providers in question to atleast retain the records of the aforesaid mobile numbers.

Mr. M.S.Oberoi, learned Additional Public Prosecutor for respondent-State supports the impugned order.

Upon hearing and on perusal of the impugned order, I find that without going into the relevance of call detail records of the mobile phones in question, it would be appropriate to direct service providers of these mobile phones numbers i.e. 9899309575; 9250503594; 7011383924; 9250446645 and 9873050180 to retain the records, if not already deleted. Let it be so done by concerned service providers forthwith.

Without going into the aspect of relevance of records in question, impugned order is accordingly modified, while leaving it open to the trial court to consider the relevance aspect. Let trial court ensure that the concerned service providers are put to notice at the earliest, to ensure preservation of the call records in question, if not already deleted and to produce it before the trial court, if directed.

Trial court shall be apprised of this order forthwith to ensure compliance.

This petition and application are accordingly disposed of.

Copy of this order be given *dasti* under the signatures of Court Master.

(SUNIL GAUR)
JUDGE

MAY 20, 2019

v