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

+ W.P.(CRL) 2231/2019

DEEPAK KUMAR CHOUDHARY

..... Petitioner

Through: Mr. Akshay Bhandari and
Mr. Digvijay Singh, Advocates.

versus

STATE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Amanpreet Singh,
Adv.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **30.08.2019**

The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (Cr.P.C) has been filed by the petitioner seeking modification of the impugned order dated 25.07.2019 passed Special Judge, NDPS-02 (Central), Tis Hazari Courts, Delhi in FIR No.202/2018.

Status report has been filed. In the status report, Inspector Ashok Kumar has categorically stated that letters have been sent through DCP/North to service provider i.e. Airtel, Vodafone, Jio & MTNL to preserve CDR along with location chart of the intended period for mobile numbers of SI Devender Rawat (9205170570, 9971206110), DO, ASI Kesar Singh (9810455494), Ct. Gaurav (9899206468), Ct. Vikram (9990061556, 8700525128) and PS Sadar Pabzar (23512412, 23512411).

On 29.08.2019, learned Trial Court has also passed an order on the application of the petitioner under section 91 Cr.P.C. I.O. has been directed to take steps for preservation of the CDR and Location Chart of mobile phone no. 9899206468 as well as mobile phone in use of the IO/SI Devender. The CDR and Location Chart have been directed to be preserved and filed on record for the period from 7 am on 04.09.2018 till 4 am on 05.09.2018. It has further been directed that the details be filed in court after blanking out the remaining entries except the entry relating to the phone call made to the Duty Officer PS Sadar Bazar on 04.09.2018 by Ct. Gaurav and SI Devender from their respective mobile phone numbers. Copy of the order has also been sent to ACP concerned to ensure preservation of CDR and location of the above mentioned mobile phone number as well as mobile phone number of IO pertaining to the period from 7 am on 04.09.2018 till 4 am on 05.09.2018.

Learned counsel for the petitioner, however, states; that it has not come on record whether Duty Officer/ASI Kesar Singh was using mobile number 9810455494 given by him or some other number also. So far as mobile number 9810455494 is concerned, the order for preservation of CDR and location has already been passed. However, in case, duty officer was using any other number, the same needs to be provided so that CDR of the same alongwith Location Chart can be preserved for the relevant period.

Learned Standing Counsel (Criminal), on instructions from SI Parveen Kumar from police station Sadar Bazar, submits that Duty Officer was using only one mobile number i.e. 9810455494 and order has already been passed to preserve the CDR and location of the same.

In view of the above, the status report and directions issued by learned Trial Court, the prayer made by the petitioner stands satisfied and petition stands disposed of accordingly.

BRIJESH SETHI, J

AUGUST 30, 2019

SSC