

CRR 1645 of 2020

Smt. Some De @ Soma Dey
Vs.
The State of W. B. & Anr.

Mr. Santanu Mukherjee
.....For the Petitioner
Mr. S. G. Mukherjee, Ld. P. P.
Mr. Arijit Ganguly
.....For the State

The petitioner is aggrieved by the order dated 14.09.2020 wherein the learned Additional Chief Judicial Magistrate – 1, Raghunathpur, Purulia was pleased to refuse the prayer of the petitioner directing the Officer-in-charge, Adra Police Station for ascertainment of her Mobile Tower Location.

Mr. Mukherjee, learned Public Prosecutor appears and opposes such prayer.

The contention of the petitioner is that the petitioner was not available as described in the police report and is unnecessarily harassed. To that extent the petitioner intends to rely upon the mobile tower location where the petitioner could have been available according to her personal knowledge.

I have perused the impugned order and I do not find any illegality in the same.

In view of the fact that charge sheet has already been submitted it is not proper for the court to direct the Investigating Officer or the Officer-in-charge to track the mobile tower location.

I have taken into consideration the contentions advanced by both the sides and on cumulative appreciation of the same, I am of the opinion that if the petitioner intends to rely on mobile tower location, it is the duty of the petitioner to apply to its service providers for making available for such documents/evidence. The usage of such documents/evidence provided by the service providers can be relied upon at the appropriate stage of the proceedings. In case the service providers are not ready or willing to supply the petitioner such documents/evidence as prayed for, the petitioner shall be at liberty to approach the trial court for seeking necessary direction.

With the aforesaid observations CRR 1645 of 2020 is disposed of.

(Tirthankar Ghosh, J.)