

14.08.2024

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CRR 1130 of 2024

In Re : Babar Ali

... Petitioner.

Mr. Avinaba Patra

.... For the Petitioner

Mr. Rudradipta Nandy

Ms. Subhasree Patel

.... For the State

Supplementary affidavit filed by the petitioner is taken on record.

The petitioner has sought copy of CDR, SDR, CAF and mobile tower location data of the petitioner's mobile phone from January 1, 2024 to January 3, 2024. Charge-sheet submitted on 21st June, 2024 demonstrates that such CDR, SDR, CAF and power location of mobile phone were collected in course of investigation. An application for production of the same was filed by the petitioner before the learned trial Court which was turned down by the order impugned dated 22nd January, 2024 since investigation was still going on when the application was made.

Charge-sheet has been submitted and a further date has been fixed for submission of supplementary charge-sheet.

Learned counsel for the State submits that no mobile phone was seized from the petitioner when he was apprehended on 2nd January, 2024 and it is not unlikely that the petitioner was not carrying his mobile phone when the alleged offence was

committed. The petitioner seeks to take advantage of the fact that the mobile phone was lying elsewhere at the relevant time.

The contention of the State shall be adjudicated by the learned trial Court at the appropriate stage of trial.

Since the charge-sheet reveals that the CDR, SDR, tower location of the petitioner were collected during investigation and also since learned counsel for the State has no objection in supplying the copy of the same to the petitioner, the same be given to the petitioner by the trial Court at the earliest.

Since nothing further remains to be adjudicated in the revisional application, the same is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)