

26.04.2024
Serial no. 6
[G.S.D]

CRR 1139 of 2024

In the matter of : Basir Miya

... .. Petitioner

Mr. Avinaba Patra
Mr. Dipayan Dan
Ms. M. Dutta

... for the petitioner

Mr. Rudradipta Nandy
Ms. Sayanti Santra

... for the State

Report submitted by Mr. Nandy, Id. Advocate for the State, be kept with the record.

A copy of the report along with the Photostat copies would be available before the Id. Trial court. The Id. Trial court will ensure that this is served upon the petitioner/accused personally after the same is acknowledged by him in presence of the lock-up authorities.

Ld. Advocate appearing for the petitioner disputes the phone number by pointing out a particular number from the charge-sheet so submitted by the investigating agency.

The petitioner is granted liberty to take out an application before the Id. Magistrate to provide the details of the said mobile numbers. The petitioner would provide the details regarding the particular service provider.

Accordingly, the Id. Magistrate will direct the service provider to send the details of the call records of the said mobile number.

In any case, the proceedings will not be stalled for the said purpose and the Id. Magistrate will commit the case. If required, the service provider would send his report to the jurisdictional court, who would be *in seisin* of the matter.

The Id. Magistrate is directed to proceed with the process of commitment of the case and ensure regarding the rest of the available copies being supplied, if the same till date has not been handed over to the petitioner. The process of commitment may be completed within a period of 60 days from the date of communication of this order. The Id. Trial court on receipt of the report of the concerned service provider in respect of the mobile phone number which has been prayed for by the petitioner would hand over the same to the petitioner immediately so that the petitioner may not be prejudiced in course of the trial.

With the aforesaid observations, CRR 1139 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)