

20.05.2024
Serial no. 7
[G.S.D]

CRR 1793 of 2024

In the matter of : Ibrahim Sk @ Ibrahim Sekh
... .. Petitioner

Mr. Avinaba Patra
Mr. Dipayan Kundu
... for the petitioner

Mr. Rudradipta nandy
Ms. Snigdha Saha
... for the State

The petitioner is aggrieved by the order dt. 16.4.2024, wherein the petitioner has prayed for SDR, CDR, CAF and the tower location of the mobile numbers being 7602304605, 7797486489, 6302378018.

According to the Id. advocate for the petitioner, the said mobile numbers belongs to the petitioner and his parents.

Although, the petitioner is entitled to have the copy of the said tower location and corresponding information in respect these mobile numbers, but the services of the investigating authorities cannot be utilized for obtaining it.

Accordingly, I direct that so far as the application dt. 12.3.24, which was preferred before the Id. Special Court, ADJ, 4th Court, Malda, the Id. Special Court, ADJ, 4th Court,

Malda, would allow the prayer of the petitioner to the extent that the service provider of the said mobile numbers would first check and inform regarding the ownership of the said numbers and, thereafter, if the same matches with those, as contended by the petitioner, will provide the relevant details available with the service provider within a period of four weeks from the date of communication of this order.

The Id. Special Court is directed to directly instruct the designated officer of the service provider to make available the lower location at the relevant dates before the court. Copies of the same may be made available to the petitioner or, his learned advocate so that at the relevant point of time, if the petitioner intends to use the same in evidence, both during the cross-examination or at the defence stage, the petitioner would be entitled to do the same.

Mr. Nandy, Id. advocate for the State, submits that at the relevant point of time, as the accused persons were absconding from the place of search and seizure, the details so prayed for, in respect of the mobile numbers, are not relevant in the facts and circumstances of the case.

Be that as it may, the needs of the defence cannot be equated with that of the prosecution and, if the same is available, the court would direct the designated officer of the

service provider to make available the same as directed above.

With the aforesaid observations, CRR 1793 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.)