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

+ **CRL.M.C. 1615/2022**

RISHI DEV DAHIYA

.....Petitioner

Through: Mr. Pramod Kr. Dubey, Sr. Advocate
with Mr. Ajay Kumar Pipaniya, Mr.
Gopesh Jindal, Ms. Amrita Vatsa, Ms.
Mamta Sharma, Mr. Manish Kaushik,
Mr. Harjas Pratap Singh, Ms. Nikita
Garg, Mr. Ayush Sachan, Mr. Prince
Kumar, Ms. Muskan Sharma, Mr.
Kshemendra Bhardwaj, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.
SI Surendra Singh (D-6749), PS S.B.
Dairy, Delhi.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

08.08.2024

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1. The Petitioner has approached this Court challenging Order dated 11.03.2022 passed by the learned Additional Sessions Judge, Rohini Courts, Delhi in FIR No.488/2021 dated 26.08.2021 registered at Police Station Shahbad Dairy for an offence under Section 307 IPC.
2. This Court on 25.08.2023, has passed the following order:-

“1. The present application has been filed under Section 482 Cr. PC. read with Section 91 Cr. PC seeking setting aside the impugned order dated 11.03.2022 whereby learned Session Judge has declined the request of the petitioner to preserve the



CDR alongwith Tower Locations(s) of mobile Numbers 9050119828, 9953184030, 9821266725 and 9728585002 dated 27.08.2021 and 26.08.2021.

2. Learned counsel for the petitioner submits that as per rules, the service provider preserve the data only two years and thereafter it is deleted automatically.

3. Keeping the question open, let the call record (CDR) alongwith Tower Locations(s) of mobile Numbers 9050119828, 9953184030, 9821266725 and 9728585002 dated 26.08.2021 and 27.08.2021 be preserved by the IO and be kept in safe custody.

4. However, it is made clear that the data is not to be shared with the petitioners.

5. Let both the parties file the brief written submissions not exceeding three pages alongwith the judgment they wish to rely upon with an advance copy to the opposite party.

6. List on 13.03.2024.”

3. Since the CDRs and Tower Location(s) are kept in safe custody, it becomes a part of the record of the Court. It is always open for the Petitioner to move an application for inspection of the documents which shall be considered by the Trial Court in accordance with law.

4. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 8, 2024

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