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

+ CRL.M.C. 5679/2024, CRL.M.A. 21684/2024, CRL.M.A.
21685/2024

TARUN TYAGI

.....Petitioner

Through: Mr.Ashwin Vaish, Mr.Rajat Pahwa
and Mr.Kamal Bhatla, Advts.

versus

CBI

.....Respondent

Through: Mr.Anurag Ahluwalia and Mr.Shivam
Sachdeva, advts. for CBI.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.07.2024

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Present petition has been filed with the following prayers:

a. Pass an order quashing/setting aside of order dated 07.03.2024 passed by the Court of Learned Chief Metropolitan Magistrate, Rouse Avenue District Courts, New Delhi in case bearing CBI/102/2019, titled, *CBI Vs Tarun Tyagi* and consequently directing the trial court to obtain the Hash Value along-with Hash Value Generation Certificate of the clone/mirror image of Hard disk-27.

Learned counsel for the petitioner submits that he is aggrieved of the fact that the CBI has taken the hash value of the source of D-27 but has not taken hash value of destination of D-27. Learned counsel submits that hash value is necessarily required to be taken of source and destination so as to



ensure that no tampering is done. Learned counsel for the petitioner submits that the learned special judge in the impugned order has wrongly relied upon the statement of Sh.Vikas Sharma, CFSL that the exercise of cloning D-27 denovo may result in data loss. Learned counsel submits that though he had been raising the issue for supply of certificate of hash value of source and hash value of destination of D-27 but has not been supplied to him. Learned counsel submits that the affidavit dated 18.03.2023 is false on the face of it as it relies on the proceedings dated 08.04.2021. Learned counsel submits that on the statement of Sh.Vikas Sharma, Sr.Scientific Assistant, CFSL dated 08.04.2021 is perused, there is no mention of taking hash value of the source or the destination of D-27. Learned counsel submits that therefore the affidavit dated 18.03.2023 is false.

Issue notice. Mr.Anurag Ahluwalia, learned standing counsel for CBI has accepted the notice.

Learned standing counsel for CBI submits that it is a RC of 2007 and the trial has not yet started on account of the delay tactics being adopted by the petitioner. Mr.Ahluwalia submits that in the affidavit dated 18.03.2023, Sh.Vikas Sharma, Sr.Scientific Assistant, CFSL has specifically given the hash value of source and destination of D-27, which is read as under:

*“ 4. Both hard discs Source (D-27) as well as Clones (Disk-I & Disk-2) have same sectors. same hash value ‘SHA-I’ is calculated as below:
3CF4B1FOI581935E8DA928A45A5456AEC7867C73.”*

Learned counsel submits that therefore the plea of the petitioner that the hash value is not been supplied is not correct. The submissions of the petitioner indicates that the main grievance is that hash value of source and destination of D-27 was not taken as per the proceedings dated 08.04.2021



and the same were not supplied to him. The further case is that the hash value of source and destination of D-27 as indicated in affidavit dated 18.03.2023 is false.

The evidentiary value or the authenticity of the affidavit is to be assessed by the learned trial court while appreciating the evidence. As of now, the hash value of source and destination of D-27 is mentioned in the in affidavit dated 18.03.2023. The genuineness, correctness, truthfulness and the probative value of such affidavit is left open.

I consider that no further deliberation is required for the present petition. Hence, the petition along with the pending applications is dismissed.

DINESH KUMAR SHARMA, J

JULY 25, 2024

rb/na