

17.02.2025
tkm/ct 28
sl no.27

C.R.R. 3847 of 2024

In Re : An application under section 528 of the Bharatiya Nagarik
Suraksha Sanhita 2023

And

In Re : Majibul Khan @ Mojibar Khan petitioner

Mr. Avinaba Patra

Mr. Agnik Moulik

..... for the petitioner

1. Petitioner is an accused of trafficking in narcotics. In the FIR it is alleged police personnel had appended the petitioner and another person and recovered 125 bottles phensedyl cough syrup. Other miscreants had fled the spot. Petitioner assails the investigation on the ground that he was not present at the spot.

2. To build his case petitioner has prayed before the trial court for preservation of CDR, SDR mobile tower location of his mobile phone and CCTV footage of the police station concerned.

3. The application was turned down by the trial court.

4. I have considered the impugned order. The court rightly observed that the manner and course of investigation including the preservation of electronic records by the service provider and/or police station are not within its domain as no charge sheet has been filed till date.

5. I do not find any error in the said order.

6. It is open to the petitioner to approach the appropriate authority for preservation of electronic records if he considers it relevant for production during trial.

7. With this observation petition is disposed of.

(Joymalya Bagchi, J.)