



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1220 OF 2024

SHAIKH ASHFAK AHEMAD SHAIKH MUSHTAK
VERSUS
THE STATE OF MAHARASHTRA

Advocate for the Petitioner : Mr. Sohel Subhedar h/f Mr. N. S. Ghanekar
APP for Respondents-State : Mr. V. S. Badak
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CORAM : SACHIN S. DESHMUKH, J.

Date : 11th November, 2025

ORDER :-

1. The petitioner has presented the instant writ petition seeking directions to the concerned Service Provider Companies to preserve the Call Details Record (CDR), Subscriber Details Record (SDR) and Tower Location of Mobile Numbers mentioned in the Criminal Miscellaneous Application No. 112 of 2024 which was presented before the learned Additional Sessions Judge, Aurangabad, which has been rejected.

2. Crime No. 235 of 2023 is registered against the petitioner for the offences punishable under Section 7 of the Prevention of Corruption Act, 1988 and under Sections 504 and 506 of Indian Penal Code registered with City Chowk Police Station, Aurangabad. The petitioner presented the application before the

Trial Court seeking preservice of the Call Detail Records (CDR), Subscribe Detail Records (SDR) and Tower Locations of the mobile numbers mentioned in the application for a period of 10.02.2023 to 05.02.2024.

3. It is the contention of the petitioner that the service provider companies are storing the said data for a period of only one year and after the lapse of one year, the said data automatically gets over-written. As such, there is every possibility that the said data of relevant period would be over-written, if not preserved at the earliest. Therefore, the petitioner preferred the application on 07.02.2024 under Section 91 of Code of Criminal Procedure (hereinafter "CrPC" for short) before the Trial Court requesting to preserve the data for a period from 10.02.2023 till 05.02.2024.

4. The learned Trial Court rejected the application on the ground that Section 91 of CrPC cannot be invoked before framing of charge and as such, the request made by petitioner does not fall within the purview of said Section.

5. Heard learned counsel for petitioner and learned APP for respondent-State. Perused the entire record.

6. The learned APP, on instructions from the Investigating Officer, submits that the data could be preserved only for a period of one year. Now, the data as is requested by the petitioner is already over-written for period i.e. from 10.02.2023 to 05.02.2024, since the application was presented after the expiry of period of one year i.e. on 07.02.2024.

7. In the aforesaid backdrop, the application presented by the petitioner before the Trial Court was on 07.02.2024, for preserving the data itself was beyond the period of one year. As such, the request of the petitioner does not warrant any consideration.

8. In view of the aforesaid position, no further consideration is warranted. Resultantly, the petition stands **disposed** of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi