

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3099 OF 2025

Vivek Nandkishor Lahoti

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Ms. Ayodhya Patki a/w Mr. Ashish Sonawane, for the Petitioner.

Ms. Geeta P. Mulekar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATED : 18th JUNE, 2025

P.C. :-

1) This Petition is filed with two main prayers. However, the learned counsel for the Petitioner states that she is not pressing the main prayer Clause (b). She submitted that prayer Clause (a) be considered, which is as follows :-

“a. Be pleased to issue writ of mandamus or writ in the nature of mandamus thereby directing the Ld. Trial Court to expedite the adjudication of the Application filed and pending below Exh.30 before the Ld. Special Judge under MCOC Act, Pune in Special Case No.4 of 2024; ”

2) She submitted that, though writ of mandamus may not be the proper remedy but some directions are necessary to be given to the Trial

Court in the interest of justice. She submitted that the Petitioner has filed Exhibit-30 in Special Case No.4 of 2024 before the learned Special Judge for MCOC Act, Pune. That Application was filed on 23rd July, 2024 and for almost one year it is not decided. There is some urgency in getting that Application decided. The prayer Clause (b) in that Application is as follows :-

“b. That, by passing appropriate orders directions may please be given to the Telecom licensee: Reliance Jio to obtain the CDR details of the applicant’s mobile phone number: 99600 40910 from 25/06/2023 up to the filing of the chargesheet 11/12/2023 u/s 94 of BNSS (earlier u/s 91 of the CrPC)”

3) The Application is made with this prayer.

3.1) Learned counsel for the Petitioner submitted that these CDRs are very important to establish the defence and innocence of the present Petitioner. If those CDRs are not preserved, they will be lost forever and the Petitioner would be seriously prejudiced. She submitted that, the CDRs are preserved for two years and the concerned CDRs will be erased after 3rd July, 2025.

4) She submitted that the CDRs will show that the arrest of the Petitioner was not made in the manner and at that time as is alleged by the prosecuting agency. This will also throw light as to how he is falsely implicated.

5) Learned APP does not have serious objection for grant of prayer Clause (a) in the Writ Petition. The Investigating Officer is present in the Court.

6) From the submissions made by the learned counsel for the Petitioner, we are satisfied that in the interest of justice, the prayer Clause (a) in the present Petition can at least be granted. Though it may not be a writ of mandamus but directions can be issued to the learned Trial Judge to decide the Application at Exhibit-30 in Special Case No.4 of 2024 before the Special Judge under MCOC Act, Pune. The learned Judge may consider issuing directions to the Investigating Agency to preserve the CDRs as prayed for by the Petitioner. Hence, the following Order :-

:: ORDER ::

- a) The learned Special Judge under MCOC Act, Pune in-charge of Special Case No.4 of 2024 shall decide the Application filed at Exhibit-30 in that case within one week from today.
- b) Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL J.)