



2025:DHC:1952-DB



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

+ **W.P.(C) 3588/2025 & CM APPL. 16807/2025**

APU DEBNATH

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyarth Sinha and Ms. Khushi, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rahul Sharma, SPC with
Mr. Gokul Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

24.03.2025

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C. HARI SHANKAR, J.

1. The petitioner is facing proceedings under Sections 40 and 46 of the Border Security Force Act, 1968, alleging commission, by him, of offences under Section 376 of the erstwhile Indian Penal Code, 1860.

2. During the course of the proceedings, the petitioner submitted an application to the Commandant 114 Battalion, BSF, Bagafa, South Tripura, who has passed an order for ROE¹.

3. The application sought call detail records of the complainant, on

¹ Record of Evidence.



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the basis of whose complaint, the case was set up.

4. We have heard Mr. Abhay Kumar Bhargava, learned Counsel for the petitioner and Mr. Rahul Sharma, learned Senior Panel Counsel for the respondents.

5. Mr. Abhay Kumar Bhargava, learned Counsel for the petitioner is agreeable to disposal of this writ petition with a direction to the respondent to take a decision on the said application.

6. We, accordingly, dispose of this writ petition directing the respondent to take a decision on the petitioner's application dated 5 March 2022, one way or the other, within two weeks.

7. We do not express any opinion either on the maintainability or the merits of the said application. The respondent would be at liberty to take an informed decision on the matter.

8. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 24, 2025

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Click here to check corrigendum, if any