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

+ **W.P.(CRL) 1565/2025 & CRL.M.A. 15862/2025**

SABIR KHAN

.....Petitioner

Through: Mr. Jatin Julka, Mr. Raj
Shekhar & Mr. Mrutunjay
Mishra, Advs.

versus

STATE NCT OF DELHI THROUGH DISTRICT
CYBER POLICE STATION & ANR.Respondents

Through: Mr. Amol Sinha, ASC
(CrI) for the State along
with Mr. Atul Rastogi, Mr.
Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish
Dhawan & Ms. Chavi
Lazarus, Advs.
SI Sandeep Saini, PS
Cyber, South, Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

21.05.2025

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1. The petitioner essentially seeks preservation of certain call detail records ('CDR'), which he claims to be relevant for the purpose of investigation to be carried out in a criminal complaint filed by him which is pending consideration before the learned Chief Judicial Magistrate ('CJM').
2. The petitioner claims that on becoming aware of commission of serious cyber offences by accused persons, he filed a complaint case being CT Case No. 2258/2024 along with an application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking registration of FIR.
3. While the said petition was pending, the petitioner filed an application under Section 94 of the BNSS seeking preservation



of electronic and digital evidence which petitioner claims to be crucial in regard to the complaint and consequent investigation that may be ordered.

4. Petitioner is essentially aggrieved that no order has been passed by the learned CJM and the data is only preserved by the authority for a fixed period of time.

5. Learned counsel for the petitioner submits that if no order is passed, the application filed before the learned CJM would become infructuous. The matter was listed on 15.05.2025 and has been adjourned to 27.10.2025.

6. Undisputedly, the CDRs are kept by the service providers only for limited period of time. Thus, without going into the relevancy of the CDRs which are sought and otherwise without commenting on the merits of the complaint or the maintainability thereof, this Court considers it apposite to dispose of the present petition with directions to the learned Trial Court to decide the application under Section 175(3) of the BNSS or at least the application filed by the petitioner under Section 94 of the BNSS expeditiously.

7. Let the matter be placed before the concerned CJM on 26.05.2025.

8. Copy of the order be communicated to the learned Principal & District Judge for necessary compliance.

9. The date already fixed, that is, 27.05.2025, stands cancelled.

AMIT MAHAJAN, J

MAY 21, 2025

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