



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 25th OF MARCH, 2025

MISC. CRIMINAL CASE No. 8320 of 2025

MUKUL VISHWAKARMA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rajneet Khanvilkar – Advocate for applicants.

Dr. Anjali Gyanani – Public Prosecutor for respondent No.1/State.

ORDER

This application, under section 482 of Cr.P.C., has been filed against the order dated 12.12.2024 passed by Additional Sessions Judge, Lahar, District Bhind (M.P.) in ST No.13/2023, by which an application filed by applicants under Section 91 of CrPC to produce the CDRs of Mobile Nos.9171059212, 9425735900 and 7587600922 as well as GPS location of Dial-100 vehicle, was rejected.

2. It is submitted by counsel for applicants that one day prior to the date of incident i.e. on 19.04.2023, employees of Dial-100 had gone to arrest Rinku, against whom a warrant of arrest was pending. At that time, Rinku damaged the glass of the Dial-100 vehicle, and accordingly, it was alleged that employees of Dial-100 had assaulted him, as a result, he died. It is the case of applicants that



when police came to know about the said incident, then they have falsely implicated the accused persons. It is the case of applicants that, in fact, the accused had informed the Investigating Officer, but in his cross-examination, he conveniently denied that he does not recall that accused Mukesh had ever informed him on 20.04.2023 on his Mobile No.9425735900 or not.

3. Heard learned counsel for the parties.

4. Sanjiv Tiwari (PW-18) has stated that Giriraj Soni was posted at Dial-100, and it was the duty of the employees of Dial-100 to take injured to the hospital, and the employees of Dial-100 never go to arrest any warrantee. Dial-100 vehicle had received an information about the incident on 20.4.2023 at 12:22, and thereafter they brought the deceased. The trial court, while rejecting the application, has given a finding that during investigation, police had also recorded the statement of Giriraj Soni, who had stated that Mukesh had informed that Rinku after consuming liquor had abused him, but the accused persons did not cross-examine Giriraj Soni (PW-10) with regard to the said aspect. Giriraj Soni (PW-10) was the best person to give a statement with regard to the phone call as well as the location of Dial-100 vehicle, but the accused persons deliberately did not cross-examine Giriraj Soni (PW-10) in that regard. The CDRs of mobile numbers of accused persons has also been produced by the prosecution, which is marked as Ex.P-37. In the CDRs, the mobile of Rinku Sharma bearing number 9074768548 has also been produced by the prosecution. Accordingly, it was held by the trial court that Dial-100 vehicle had received information about the fact that Rinku had sustained injury and Giriraj Soni (PW-10), who was the employee of Dial-100, brought deceased Rinku. Giriraj Soni (PW-10) has also been cross-examined, but the accused did not put any question in respect of the defence which they are taking. Counsel for applicant could not point out as to how the findings recorded by the trial court are frivolous or contrary to the record. Thus, it



is clear that when the accused persons had full opportunity to cross-examine the witness, they did not avail the same.

5. Considering the totality of the facts and circumstances of the case, this Court is of considered opinion that the trial court did not commit any mistake by rejecting the application filed by applicants under section 91 of Cr.P.C. Application fails and is hereby *dismissed*.

(G.S. Ahluwalia)
Judge

(and)