

HIGH COURT OF MADHYA PRADESH: BENCH AT

INDORE

BEFORE HON. SHRI JUSTICE ALOK VERMA,J

M.Cr.C. No.4895/2015

Goverdhan

Vs.

State of M.P.

Shri Virendra Sharma, learned counsel for the applicant.

Ms. Mamta Shandilya, learned P.L., for the respondent/State.

ORDER

(Passed on 15/07/2015)

This application under section 482 Cr.P.C. is directed against order passed by the learned 10th Additional Sessions Judge, Ujjain in Sessions Trial No.76/2015 dated 22.05.2015 whereby the learned Additional Sessions Judge dismissed an application filed by the present applicant under section 91Cr.P.C.

2. Brief facts giving rise to this application are that two prosecution witnesses Makhan and Lakhan who were sons of the deceased were examined by the prosecution. In their statements under section 161 Cr.P.C. two mobile numbers were mentioned. By the application under section 91 of Cr.P.C, the present applicant sought to call the record in respect of calls made by these mobile

numbers and also location of mobile phones at the relevant time. As per the averment in the application, the call details and record in respect of location are destroyed within one year and, therefore, if such record is not called or preserved, the defence of the present applicant shall be unreasonably affected.

3. The learned Additional Sessions Judge observed that the prosecution witnesses did not admit in their statements and no question was asked whether they were carrying the mobile phones at the relevant time when the incident took place. He also distinguished the order passed by the co-ordinate Bench of this Court in M.Cr.C. No.9274/2012 **Kripalsingh vs. State of M.P.** dated 27.02.2013 on the ground that in that case call details of police officers were sought to be called as there was allegation of false implication, however, in this case veracity of these two witnesses is to be ascertained during cross-examination.

4. After going through the impugned order, I did not find any irregularity or illegality in the order of learned Additional Sessions Judge. The order is well reasoned and self-explanatory. No interference at this stage is called for using extraordinary power conferred on this Court under section 482 Cr.P.C. and accordingly the application is dismissed.

(ALOK VERMA)
JUDGE