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CRR-4001-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 23rd OF SEPTEMBER, 2025CRIMINAL REVISION No. 4001 of 2025*LAXMINARYAN**Versus**UNION OF INDIA*

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Appearance:

Vikas Jain - Advocate for the petitioner [P-1].

Manoj Kumar Soni, learned counsel for the respondent [R-1].
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ORDER

This petition has been filed by the petitioner under Section 397 of the Cr.P.C., 1973/438 of BNSS, 2023 for calling cell phone location record rejection order passed by the Special Judge (NDPS Act), District Neemuch (M.P.) vide order dated 15.07.2025 in Crime No.12/2024 of P.S. CBN, Chittorgarh.

2. Counsel for the petitioner has submitted that the documents would help the petitioner in his defence and by the time his defence would commence, these electronic documents would be erased from the record and would be lost. Thus, it is submitted that the present petition may kindly be allowed and the order dated 15.07.2025 passed by Special Judge NDPS ACT, Distt. Neemuch in bearing Crime No.12/2024 of P.S. Chittorgarh may kindly be set aside.

3. Counsel for the respondent/State, on the other hand has opposed the prayer.

4. Heard.

5. On due consideration of submissions and perusal of the documents filed on record, including the application filed by the applicant under Sections 94 of BNSS, 2023 and Section 63 of the Indian Evidence Act and the subsequent impugned order dated 15.07.2025, it is found that the petitioner's application has been rejected by the



learned Judge on the ground that in the application filed by the applicant there are no cogent reasons and facts for calling cell phone location and call details in the interest of justice. This Court, taking note of the fact that the defence of the petitioner is that the aforesaid electronic documents would be necessary to prove the defence and to deny such a document to the petitioner, would be depriving him of fair trial.

6. In view of the same, the impugned order dated 15.07.2025 is hereby set aside and the application filed by the petitioner under Sections 94 of the BNSs, 2023 and Section 63 read with Section 65-B of the Indian Evidence Act is hereby allowed and it is directed that the electronic documents required by the petitioner shall be preserved by the concerned authorities and shall be produced as and when the Trial Court directs. Learned judge of the trial Court is also requested to ensure the preservation of the aforesaid record as desired by the petitioner.

7. With the aforesaid directions, the petition stands allowed and disposed of.

(GAJENDRA SINGH)
JUDGE

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