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MCRC-2528-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 23<sup>rd</sup> OF JULY, 2025MISC. CRIMINAL CASE No. 2528 of 2025*ROHIT**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Nilesh Dave - Advocate for the petitioner.*

*Shri Madhusudan Yadav-GA appearing on behalf of Advocate*

*General.*

.....

ORDER

1] This petition has been filed by the petitioner under Section 528 OF B.N.S.S. /section 482 OF CR.P.C being aggrieved by the order passed learned Spl. Judge N-D.P.S. Act Jawad, Distt. Neemuch, M.P. in Spl. 8.T. No. 39/24 on 22/11/2024, in which learned Spl. Judge has dismissed the application u/s 94 of B.N.S.S. r/w section 60 of Bharatiya Sakshya Adhiniyam for calling and preserving cell phone record with tower location of the police officers, present applicant and co-accused person Rajesh with CDR dated 20/01/2024 to 31/01/2024.

2] Counsel for the applicant has placed reliance on a decision rendered by this Court in the case of MCRC.No.4839/2023 (Amjad @ Guddu Lala) order dated 20.2.2023 wherein this Court had allowed the application filed by the petitioner under Sections 91,92 of the CRPC read



with Section 65-B of the Evidence Act and it was directed that the electronic documents required by the petitioner shall be preserved by the concerned authorities and the case of the present applicant is identical to the case of Amjad @ Guddu.

3] Counsel for the respondent/State has opposed the prayer.

4] On due consideration of submissions and on perusal of the documents filed on record, and in the light of the order dated 20.2.2023 passed by this Court in M.Cr.C. No.4839/2023, the impugned order dated 22/11/2024 is set aside, and the present petition is allowed.

5] In view of the same, the impugned order dated 22/11/2024 is hereby set aside and the application filed by the petitioner under Section 94 of BNSS read with SEction 60 of Bharatiya Sakshya Adhiniyam 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.

6] With the aforesaid directions, the petition stands **allowed and disposed of.**

(SUBODH ABHYANKAR)  
JUDGE