

Bharat Chugh Vs. Devendra Taneja & Ors.

24.07.2020

Present: Sh. Neeraj Chaudhary, Ld. counsel for complainant (through VCC over Cisco Webex).

Matter taken up for hearing through VCC over Cisco Webex at 03:48 PM.

The present complaint alongwith the urgent application u/s 91 Cr.P.C. was filed electronically, through email id of the Court. Same is taken up in view of circular no. 6797-6899/CMM/Central/SS/DR/2020 dt. 29.06.2020.

Counsel for complainant undertakes that he shall be filing original complaint alongwith the documents immediately on re-opening of Courts.

The present complaint be registered as per rules.

Ld. counsel for applicant submits that matter involves utmost urgency as he seeks the direction qua preservation of the record of mobile phone no. 9971199185 (Airtel) from which the allegedly defamatory messages were sent to complainant's friends and family members. It is further averred that when the complainant tried calling the said mobile number, no one responded the same and currently, same is coming as not in use. It is further averred that the complainant has also informed the matter to police and lodged a report at PS Rajender Nagar, but the inquiry was closed stating that as the case involves offence of defamation, the complainant shall approach the Court. It is further averred that as per the terms of licence agreement signed by various telecom companies, their records are kept only for period of one year, therefore, there exists likelihood that if the record of aforesaid mobile number are not preserved, they cannot be produced in evidence which will also prejudice the complainant's case.

The extract of the alleged defamatory message are annexed as Annexure 6 at page no.28 of the complaint.

Keeping in view the submissions made on behalf of the applicant, this Court is of the view that in case the directions qua preservation of the records of the alleged mobile number are not issued at this stage, a prejudice will be caused to complainant as he will be having no evidence to establish his case during the course of further proceedings. The sum and substance of complainant's allegations revolves around the circulation of allegedly defamatory imputations concerning complainant through the aforesaid mobile number. Therefore, the records of same constitutes are material piece of evidence. Hence, the preservation of same appears to be necessary.

In view of the discussion made above, the concerned Nodal Officer of Airtel India is

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hereby directed to preserve the mobile record/CDRs of the owner/user of mobile number 9971199185 (Airtel) for the period w.e.f. January, 2020 to June, 2020, till further directions.

The application is accordingly disposed of.

The complaint be listed for PSE on 29.09.2020.

Scanned copy of this order be sent to counsel for complainant electronically.

One copy be sent to computer branch of Delhi District Court Website.



(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
24.07.2020