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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 17.07.2025*

+ **CRL.M.C. 4704/2025 & CRL.M.A. 20395/2025**

ABILITY DODZI @ CHINAZOM ABILITYPetitioner

Through: Mr. Anup Kr. Das and Mr. Uday
Chauhan, Advocates.

versus

STATE NCT OF DELHIRespondent

Through: Ms. Manjeet Arya, APP for State with
SI Yash Pal.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The petitioner seeks setting aside of order dated 11.07.2025 passed by the Trial Court in case FIR No.238/2024 of Police Station Sunlight Colony under Section 21/29 of NDPS Act and Section 14 of Foreigners Act. In addition, the petitioner also seeks directions to the respondent State to preserve the CCTV footage of all cameras installed at PS Maidan Garhi and office of FRRO for the period from 22.06.2025 to 26.06.2025 or to direct the Trial Court to dispose of the pending application under Section 94 BNSS of the petitioner within one week.

2. Learned APP accepts notice and submits that the FRRO has not been



made a party. Even PS Sunlight Colony, which has been impleaded as respondents has no control over CCTV of PS Maidan Garhi.

3. To begin with, it would be apposite to extract the order impugned in the present case and the same is extracted as follows:

*“Misc Crl 729/2025
STATE Vs. OKAFOR ABILITY CHINZAOM
FIR No. 238/2024
PS- (Sun Light Colony)
u/s 21/29 of NDPS Act & 14 Foreigner Act*

11.07.2025

This is an application u/s 94 BNSS filed for seeking direction to preserve and produce the CCTV footage of all the cameras installed in Police Station Maidan Garhi and Office of FFRO Delhi from 22.06.2025 to 26.06.2025.

*Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Amit Gaur, Ld. Counsel for the applicant/accused.*

As per the report, IO is on leave from 09.07.2025.

Accordingly, let summons be issued to the IO afresh to appear in person along with the report, as directed vide order dated 30.06.2025 passed by Ld. ASJ-02, Vacation Judge, South East District, Saket Courts, Delhi, for 06.08.2025.

*(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /11.07.2025”*

(Bold emphasis is as it is in the quoted extract)

4. As is obvious, the only direction in the impugned order is as regards summoning the Investigating Officer afresh to appear in person with the report. No substantive order has been passed by the Trial Court. In his submissions, counsel for petitioner does not dispute that the impugned order



is only an interlocutory order. The provision under Section 438(2) of BNSS explicitly prohibits exercise of revisional powers against the interlocutory orders. What is prohibited by law cannot be done by invoking inherent powers, as that would be allowing backdoor entry to the relief claimed. It is also not a situation of gross injustice. For, the only aspect dealt with by the Trial Court in the impugned order, is summoning the IO with the report before deciding the application of petitioner under Section 94 BNSS.

5. As regards the second prayer of directions to preserve the CCTV footage, it is that very application on which the IO has been summoned by the Trial Court vide the order impugned in the present proceedings. The application for preservation of CCTV footage being already pending before the Trial Court, there is no occasion for this court to interfere and pass any order on this issue.

6. The petition is not just devoid of merit, but is also totally frivolous, so it is dismissed with costs of Rs.20,000/- to be deposited with DHCLSC by the petitioner within one week. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the petitioner.

**GIRISH KATHPALIA
(JUDGE)**

JULY 17, 2025/ ry