



2025:DHC:1951



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

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Date of Decision: 25.03.2025

+ **CRL.M.C. 1663/2025 & CRL.M.A. 7511/2025 (exemption)**

NARENDER KUMARPetitioner

Through: Counsel for petitioner (appearance
not given)

versus

STATE GNCTD OF DELHI & ANR.Respondents

Through: Ms. Priyanka Dalal, APP for State
with IO ASI Nimmo, PS Naraina

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The petitioner has challenged order dated 23.12.2024 passed by the learned Trial Court dismissing his application under Section 91 Cr.P.C in case FIR No. 12/2021 of PS Kirti Nagar for offences under Sections 323/342/376/376(2)(n)/34 IPC and Section 6/21 of POCSO Act.

2. It is submitted on behalf of petitioner that in the proceedings arising out of the above mentioned FIR, the Investigating Officer filed a supplementary chargesheet along with uncertified CDRs of mobile phone numbers held by the accused Ravi Rao and suspects Raja, Vicky and Akash. The petitioner, facing trial in the said case moved an application seeking copies of the said CDRs, which application was dismissed by the learned Trial Court, holding that the said documents do not have even remote relevance to the defence of the accused persons.



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3. It is contended by learned counsel for petitioner that it is the prerogative of the defence counsel to decide about the defence to be taken. Further, it is contended that in order to ensure effective defence, the copies of all documents filed with the chargesheet must be provided to the accused.

4. The Investigating Officer SI Manjeet has not appeared and is stated to be appearing today in court of the Registrar, according to SI Sonika of PS Kirti Nagar. Even the SHO has not cared to appear in order to assist the learned prosecutor.

5. However, learned prosecutor on behalf of State in all fairness submits that in order to ensure that there is no denial of fair trial or any prejudice to the effective defence to be taken by the petitioner, it would be necessary to supply the petitioner all documents filed with the supplementary chargesheet.

6. Accordingly, with consent, the petition is allowed, thereby setting aside order dated 23.12.2024 of the learned Trial Court and by directing supply within one week of all documents including the said CDRs filed with the supplementary chargesheet. Pending application stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

MARCH 25, 2025/tp