

IN THE COURT OF {Name of Judge}, {Place}

IN THE MATTER OF:

{Name of complainant}

..COMPLAINANT

VERSUS

{Name of respondent}

..RESPONDENT

APPLICATION U/S 91 CR.P.C. ON BEHALF OF RESPONDENT NO. 1 FOR SEEKING THE DIRECTION TO {Address of Telecom Provider} TO PRESERVE AND PROVIDE THE CALL DETAILS BOTH INCOMING AND OUT GOING AND LOCATION REPORTS OF THE COMPLAINANT FOR PERIOD {define period} IN RESPECT OF MOBILE NO. {define mobile no}

MOST RESPECTFULLY SHOWETH:

1. That Complainant has filed {case name} against the Respondents is absolutely on the false allegations and the present complaint is pending before this Hon'ble Court and the same is fixed for {define Next Date of Hearing}
2. That the Complainant frequently used to receive the call from mobile bearing {Define mobile no.} on her mobile {Define mobile no.}. During the period from {Define Period mentioned before}
3. The Respondent No. 1 is having the strong apprehension and reason to believe that the aforesaid person in collusion and connivance with the Complainant has ruined the matrimonial life of the Respondent No. 1 and has spoiled the bright and meritorious future of the minor children.
4. That the Respondent No. 1 is having the strong apprehension and reason to believe that the Complainant has instituted a false proceedings before CAW Cell, and the present proceedings before this Hon'ble Court.
5. That the preservation of data of the aforesaid mobiles No. XXXX and XXXXX are material, essential and desirable for the deciding the matter in issue between the parties effectively and completely and for just, fair and equitable decision of the enquiry before this Hon'ble Court and pendency of the proceedings before this Hon'ble Court and the preservation of the data will prove beyond reasonable doubt that the Complainant in collusion and connivance with the persons who use

to make a call this mobile number to the mobile number of Complainant has ruined the matrimonial life of the Respondent No. 1 and the preservation of data will also disclose the actual and real name and residential address and complete particular of the person, the user of the aforesaid mobile bearing No. XXXXX.

6. That the preservation of call data records will give the details of incoming, out going calls and location of the person making the calls on the mobile of the Complainant.
7. That as the statutory rules and regulations of Telecommunication Authority of India, the call data records can only be preserve for 12 months and the preservation of call data will give the complete details and description of the persons of identity of which the aforesaid mobile number has been issued.
8. That calls data records are material piece of electronic evidence for deciding the matter in issue in a just and fair and equitable manner and to bring the conduct of the Complainant before this Hon'ble Court.
9. That if the present application is not allowed then it will cause miscarriage and failure of justice to the Respondent No. 1 and the aforesaid datas and location report are in custody, power and possession of service providers i.e. {telecom provider name}.
10. That the principle of natural justice demands that the service provider should be directed to produce the call details and location reports in respect of the mobile number of the Complainant before this Hon'ble Court.
11. That there is just and sufficient ground for moving the present application and there is no alternative and efficacious remedy except to move the present application.
12. That this Hon'ble Court has legal jurisdiction to try, entertain and adjudicate upon the subject matter of the present proceedings.

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased:-

- a. direct the service provider i.e. {Telecom Provider} TO PRESERVE the CALL DETAILS BOTH INCOMING AND OUT GOING AND LOCATION REPORTS OF THE COMPLAINANT FOR PERIOD {Define Period} OF THE MOBILE BEARING NO. XXXX AND XXXXX AND TO PLACE THE SAME ON JUDICIAL RECORD;

- b. Direct the SHO, P.S. {Define P.S which has jurisdiction}, to take the call data records of the aforesaid mobiles NO. XXXX AND XXXXX FOR PERIOD {define Period};
- c. Any other order which this Hon'ble Court deems fit and proper under the facts and circumstances, may kindly be passed in favour of the and against the Respondent No. 1

Respondent No. 1

Delhi
Dated

Through

ADVOCATE

Shoneekapoor.com