

**SC No. 199/21**

State v. Arun Kumar etc.

FIR No. 87/20

PS Dayalpur

07.09.2024 (At 12.15 p.m.)

Present: **Sh. Madhukar Pandey**, Id. Special PP for State with IO/Insp. Ritesh Kumar.

Accused Arun, Aman, Ashish, Devender and Krishan, in person on bail.

Insp. Pawan, Pairvi Officer in person.

Sh. Praveen Kumar, Nodal Officer, JIO in person.

**Sh. Rakshpal Singh**, Id. counsel for accused Arun, Devender, Pradeep and Rahul.

**Sh. Sujeet Kumar**, Id. counsel for accused Aman Kashyap, Ashish and Krishan Kant.

**Sh. Sanjay Goel, State Nodal Officer from Reliance Jio company and HC Manoj** are present.

Mr. Goel has submitted that he had supplied the uncertified copy of CDR of mobile number 7982084320 through Email, to the IO of the case and he had preserved that data in his system. Accordingly, he has produced certified copy of CDR and CAF. He has also come up with a certificate u/s 63 of BSA. However, it was not found in consonance with legal provisions.

HC Manoj had also submitted the PCR form with certificate under his signature. This PCR form was generated on 22.07.2024, but unfortunately, the certificate was given under section 65(B) of IE Act. On the aforesaid date, Indian Evidence Act and section 65(B) were not in force, rather section 63 BSA was in force. HC Manoj submits that his system was not updated by that time. In my opinion, this certificate has to be generated, keeping in view the requisite conditions laid down in section 63 BSA and 2 formats as provided under Schedule as part A and B. The certificates are to be prepared by the official, who is competent to issue the same, as per requisite informations to be furnished in aforesaid 2 formats. Therefore, mechanically

generated certificates may not always be helpful and in any case, Delhi Police has to take sufficient steps to satisfy the requirement of aforesaid law. Needless to say that aforesaid certificates as furnished by HC Manoj, cannot be accepted. A proper certificate satisfying the requirements of section 63 of BSA has to be furnished before the court. For that purpose, as already mentioned here-in-above, police department has to take some concrete steps in consonance with law. Hence, matter is referred to Id. Commissioner of Police with a request to get this job done immediately, as the new law had been in force since more than last 2 months and court proceedings cannot be delayed awaiting the updation of system in the police department. It is also expected that Id. Commissioner of Police shall take further steps for proper sensitization of all the officials working under him, so that uniform procedure is adopted in this respect, all over Delhi. Sh. Goel is also requested to furnish proper certificate as required u/s 63 of BSA.

A copy of this order alongwith court notice be sent to Id. Commissioner of Police for compliance. HC Manoj is discharged unexamined, awaiting the fresh certificate in respect of PCR form in question. Sh. Goel is bound down to appear on next date of hearing with fresh certificate.

Put up for RPE on 28.09.2024.

**(PULASTYA PRAMACHALA)**  
ASJ-03(NE)/KKD Courts/Delhi  
07.09.2024