



2026:AHC:180790

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5259 of 2026

Adil And 2 Others

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Dinesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 88

HON'BLE SANJIV KUMAR, J.

1. Heard Shri Dinesh Kumar, learned counsel for the revisionists and learned A.G.A. for the State.

2. This revision has been filed against the order dated 02.07.2026 passed by the learned Additional District & Sessions Judge, F.T.C.-II, Amroha in Sessions Trial No. 55 of 2026, (State vs. Nazeem and others), whereby the application filed on behalf of the revisionists under Section 94/95 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been rejected.

3. At the time of hearing of the revision, this Court finds that the application, which was rejected by the learned trial court, was filed only on behalf of revisionist Nos. 2 and 3. However, the present revision has been filed on behalf of all the accused, including revisionist No. 1, who was not an applicant in the application rejected by the learned trial court. Therefore, revisionist No. 1 is not an aggrieved person so far as the impugned order is concerned. Learned counsel for the revisionists is directed to delete the name of revisionist No. 1 from the array of parties, during the course of the day.

4. Learned counsel for the revisionists submits that the application was filed after framing of the charges, when the trial was pending at the stage of prosecution evidence. It is submitted that the Call Detail Records (CDR), tower location and other related electronic material sought to be produced were material and necessary for the proper

adjudication of the case. It is further submitted that the learned trial court has failed to consider the relevance and necessity of the aforesaid material and has rejected the application on untenable grounds.

5. Per contra, learned A.G.A. submits that the application has rightly been rejected by the learned trial court for valid reasons. It is submitted that the revisionists have failed to disclose any cogent reason demonstrating the necessity or relevance of the material sought to be summoned. Therefore, the revision is devoid of merit and is liable to be dismissed.

6. I have considered the submissions made by learned counsel for the parties and have perused the impugned order as well as the material on record.

7. From a perusal of the record, it appears that the application was filed by the revisionists under Section 94/95 of the BNSS seeking production of CDR, tower location and other electronic material.

8. Section 94 of the BNSS reads as follows:-

"94. Summons to produce document or other thing.

(1)Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2)Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3)Nothing in this section shall be deemed-(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the

Bankers' Books Evidence Act, 1891 (13 of 1891); or(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority. Nothing in this section shall be deemed-(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891 (13 of 1891); or(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority."

9. In view of the above provisions if the court considers the production of any document, electronic communication, including communication devices, or other things to be necessary or desirable for the purposes of any inquiry, trial or other proceeding under the act, to issue summons or a written order to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce the same.

10. In the present case, the learned trial court has rejected the application, of the revisionist, on the ground that the charges had already been framed and the revisionists had not sought such material during the course of investigation. The accused have also failed to disclose how the CDR, tower location or other material sought by them was relevant with regard to their role or presence at the time of the alleged offence.

11. The power under Section 94 of the BNSS is required to be exercised where production of the document or electronic material is necessary or desirable for the purposes of a fair and proper adjudication of the trial.

12. In the present case, the revisionists have failed to demonstrate any cogent or valid reason as to why the aforesaid material is necessary for the proper adjudication of the trial. No specific material has been placed before this Court to establish the relevance of the CDR, tower location or other electronic material sought to be summoned.

13. In view of the foregoing discussion, I do not find any illegality, infirmity in the impugned order passed by the learned trial court warranting interference by this Court.

14. The revision is, accordingly, dismissed.

August 31, 2026
Priyanka

(Sanjiv Kumar,J.)