



W.P(MD)No.6194 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6194 of 2024

Prabhakaran

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of Vigilance and Anti Corruption Department,
Race Course Road,
Opp to Govt Law College,
Trichy District.
(Crime No.03 of 2022)

2.The Nodal Subdivisional Engineer (LEA),
The Assistant General Manager (Regulations),
O/o.The Chief General Manager,
BSNL, Tamil Nadu Circle,
First Floor – A Wing,
New Administrative Building,
16, Greaves Road,
Chennai – 600 006.

3.The Assistant General Manager,
AGM Admin / Legal,
3rd Floor, BSNL Main Building,
Bharadhidasan Salai,
(Near Head Post Office),
Trichy – 620 001.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to preserve CDR and Call Location details of Telephone Number 0431-2420166 (BSNL) including incoming and outgoing Calls, in compliance of the order passed by the Special Court for prevention of Corruption Act, Tiruchirappalli in CrI.M.P.No. 194 of 2023 in Spl. Case No. 3 of 2023, dated 12.10.2023 and produce the same along with 65B Certificate before concern court forthwith by considering the petitioner representation dated by 06.03.2024.

For Petitioner : Mr.Raguvaran Gopalan
for Mr.A.Kamala Kannan

For Respondents : Mr.A.Albert James
Government Advocate (Criminal Side)
for R.1

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the first respondent.

2.The prayer in this writ petition is for complying with the order passed by the Special Court. No exception can be taken to this request.

3.When the matter was taken up for hearing, the learned Government Advocate submitted that BSNL has already submitted the CDR and call location details directed to be furnished by the trial Court.



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4.The learned counsel appearing for the petitioner has two remarks to make. He states that the certificate as envisaged under Section 65B of the Indian Evidence Act, 1872 has not been furnished. He also would add that the details have been manipulated.

5.I direct the second respondent to furnish Section 65B certificate before the trial Court if not already furnished. This shall be done immediately and without delay. The learned trial Judge is directed to look into the allegation of tampering and manipulation made by the petitioner and hold enquiry and pass a speaking order. This shall be done by the trial Court within a period of two weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. There shall be no order as to costs.

04.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note : Issue order copy on 08.04.2024.



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Copy to

The Special Court for prevention of Corruption Act,
Tiruchirappalli.



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G.R.SWAMINATHAN,J.

MGA

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