



Crl.R.C.No.737 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No.737 of 2025
and
Crl.M.P.No. 10890 of 2025

K.Narashimman

... Petitioner

Vs.

State Rep. by its,
Inspector of Police,
Vigilance and Anti Corruption Wing,
Krishnagiri.
Crime No.8/AC/2018.
Dharmapuri District.

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 438 and 442 of BNSS, to call for the records and set aside the order 27.05.2025 made in Crl.MP.No.601 of 2025 in Spl.CC.No.1 of 2020 passed by the learned Chief Judicial Magistrate, Krishnagiri and set aside the same by allowing this Criminal Revision Petition before this Court.

For Petitioner : Ms.R.Renukadevi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



ORDER

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This petition is filed challenging the order dated 27.05.2025 made in Criminal M.P. No. 601 of 2025 in Special C.C. No. 1 of 2020 passed by the learned Chief Judicial Magistrate. The application filed by the petitioner herein under Section 45A of the Indian Evidence Act, 1872, was dismissed.

2. *Mr.N.Manoharan*, the learned counsel appearing for the petitioner, referring this Court to grounds Nos.4, 5, 6 and 7 of the petition, submits that in this case, the money was not recovered from the petitioner. However, the petitioner is implicated on the ground that it was intended to be given to the petitioner also.

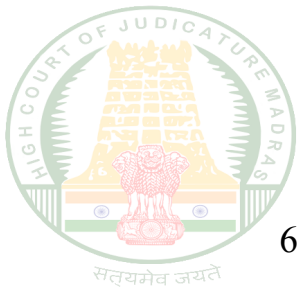
3. The prosecution has examined P.W.2, who contended that he called A2 from a particular mobile number, namely 9443805344, to the mobile phone number 8825527758. Thereafter, the above statement was made in Ex.P3. During his examination, he submitted that though he was using a single mobile phone, it was a dual SIM card phone, and he had two mobile numbers, namely 9443805344 and 8838794300. He further stated that he had been using both SIM cards in the same mobile phone and as a matter of fact,



the particular call that was made was actually from mobile number 8838794300 and not from 9443805344. He also stated that both SIM cards were used in the same phone. In this regard, when the prosecution filed the call details, it contained two IMEI numbers. Therefore, upon verification with the websites www.imei24.com, www.imeipro.info, www.imeicheck.com, and www.sndeep.info/en, it was found that the IMEI number mentioned in respect of mobile number 9443805344 is invalid, while the IMEI number associated with mobile number 8838794300 is valid.

4. Under these circumstances, serious doubts arise as to whether the documents filed on behalf of the prosecution reflect correct data or not. If the IMEI numbers and call data are incorrect, that would be very crucial in establishing the defence of the accused.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondent submits that call records were produced pursuant to the direction of this Court only to prove that a call was made from a particular mobile number of P.W.2 to the said K.Sathiyamoorthy. No further purpose will be served by the present application.



6. I have considered the rival submissions made on either side and

perused the material records of the case.

7. The directions sought in the instant case are extracted in paragraph

No. 14 of the application, which is reproduced hereunder for ready reference:-

“14. Hence, to unearth the truth regarding whether two SIM cards were used in a single mobile phone by K.Jayakumar, the following details are required from cybercrime experts as per the provisions laid down in Section 79A of the Information Technology Act, 2000, and Section 45A of the Indian Evidence Act, 1872.

1. Are the IMEI numbers 359849091884010 and 359849091884004 related to a single mobile phone?

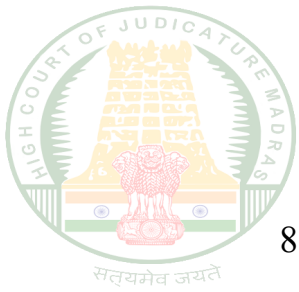
2. Is the IMEI number 359849091884010 is valid or invalid?

3. What is the brand name of the mobile phone with IMEI 359849091884010.

4. Is the IMEI number 359849091884004 is valid or invalid?

5. What is the brand name of the mobile phone having IMEI 359849091884004?

6. One of the IMEI numbers of the said mobile phone is 359849091884004, the other IMEI number for the same mobile is required.”



8. Firstly, in this case, it can be seen that the allegation is that P.W.2

spoke from a particular mobile number with K.Sathiyamoorthy/Accused No.

2. In the said call, it is alleged that the demand was made. The purpose of the defence is to disprove the same. As a matter of fact, it now stands that the call was made only from 8838794300, as per the version of P.W.2. It is the case of the petitioner himself that the IMEI number mentioned in respect of that mobile number is found to be correct. As a matter of fact, the IMEI number is generated from the equipment in respect of each mobile slot. It is stated that if the same handset has dual or triple SIM slots, it will be assigned dual or triple IMEI numbers accordingly. Therefore, when the call record in respect of the mobile number 8838794300 is found to be valid, even according to the petitioner, there need not be any further roving enquiry into the same.

9. Further, with reference to the contention of the petitioner that the websites show the IMEI number furnished in respect of 9443805344 is invalid, it can be seen that the petitioner is yet to cross-examine the Investigating Officer. They can always cross-examine the Investigating Officer in this regard. Therefore, if in the cross-examination it is not expressly put that no such call was ever received by the said K.Sathiyamoorthy, a roving enquiry on this point would be beyond the realm of the case. If the accused



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wants to let in further evidence, that liberty is already kept open by the Trial

WEB COPY Court to request at the defence stage.

10. In view thereof, finding no merits, the criminal revision petition stands dismissed. Consequently, connected Crl.M.P.No. 10890 of 2025 is closed. No costs.

13.06.2025

Neutral Citation: Yes/No
nsl

To

1. The Chief Judicial Magistrate, Krishnagiri.
2. Inspector of Police,
Vigilance and Anti Corruption Wing,
Krishnagiri. Dharmapuri District.
3. The Additional Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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