



Crl.O.P.No.24480 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24480 of 2025

S.Irulappan

... Petitioner

Vs.

State rep. By
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Thiruvannamalai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS to direct the respondent police to take immediate measures to preserve the CDR of the mobile numbers 7904491121, 9791655291, 9626628819, 9943629714, 8015120911, 9786483021, 8056682110, 9944978140, 6369693803, 9486329444 across the mobile networks for the period from January 2024 to December 2024.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



Crl.O.P.No.24480 of 2025

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ORDER

The petitioner/accused in Crime No.1 of 2024 for the offence under Section 7 of Prevention of Corruption Act, filed this petition seeking for a direction directing the respondent police to take immediate measures to preserve the CDR of mobile numbers 7904491121, 9791655291, 9626628819, 9943629714, 8015120911, 9786483021, 8056682110, 9944978140, 6369693803, 9486329444 across the mobile networks for the period from January 2024 to December 2024.

2.The case of the prosecution is that the defacto complainant in this case A.Ganesan lodged a complaint on 03.02.2024 that he owns agricultural land of 2 acres. On 08.05.2002, he purchased a property in Mandakolathur Village from one Veeraragavan vide Document No.890/2002 which is recorded in the revenue records as Natham land and from the year 2002, he is in possession and enjoyment of the property. During October 2003, the defacto complainant gave a petition to the Revenue Divisional Officer, Arani, seeking patta for the property. The Village Administrative Officer



CrI.O.P.No.24480 of 2025

called the defacto complainant, conducted enquiry and the Surveyor measured the land. On 08.11.2023 the petitioner is said to have given two tentative pattas in the name of the defacto complainant and his wife and he demanded a sum of Rs.40,000/- for each patta, in total, Rs.80,000/- as bribe amount. If the bribe amount is not paid, he would ensure that the defacto complainant and his wife will not be given regular patta. Thereafter, the defacto complainant lodged the complaint, trap laid on 03.02.2024 and the petitioner was arrested on the same day.

3.The contention of the learned counsel for the petitioner is that he is falsely implicated in a bribery case. The allegation of demanding Rs.40,000/- for adangal is completely untrue. The defacto complainant already obtained patta and adangal for his land in the year 2023. The petitioner made attempts to fence the poramboke lands in Survey Nos.326/1B3 and 297/4 located near the defacto complainant's land, at that time, the petitioner and one Santosh Kumar caused disturbance, claiming ownership of the Government land by usage and finding that the petitioner is an obstacle for the defacto complainant and other encroachers of



Crl.O.P.No.24480 of 2025

Government land, the encroachers fabricated a story and projected as though the petitioner/Village Administrative Officer demanded bribe amount. In fact, the petitioner has no authority to issue temporary or regular patta to the defacto complainant. The petitioner's role is to send report to the Revenue Inspector and nothing more, the report will be forwarded to the Tahsildar and thereafter, further action will be taken. The petitioner is a low level officer in the Revenue Department. Fencing of Anadinam poramboke land by the petitioner has perturbed the defacto complainant to lodge a false complaint. He further submitted that to prove the conspiracy in fabricating the petitioner and to probabilize his defence, CDR of mobile numbers of the defacto complainant, petitioner, brokers, shadow witness, Head Constable and the Deputy Superintendent of Police of Vigilance and Anti-Corruption all required. The petitioner seeks for CDR of the following numbers to be preserved for the period between January 2024 to December 2024.

Sl.No.	Name	Mobile Number
1.	Defacto Complainant (Ganesan)	9626628819
2.	Petitioner (Irulapan)	7904491121 9791655291
3.	Santosh Kumar Broker	9943629714 8015120911



Crl.O.P.No.24480 of 2025

Sl.No.	Name	Mobile Number
4.	Elumalai	9786483021
5.	Babu (Govt. witness)	8056682110
6.	Balaji Govt. witness (Rural Development)	9944978140
7.	Gopinath Head Constable	9486329444
8.	S.Velmurugan DSP V&AC	6369693803

4.The learned counsel for the petitioner further submitted that since the service provider maintains the call data records for a limited period and filing a petition at the stage of defense during the trial and summoning the call records details at a later stage, there is every possibility of service provider to report call record details erased or destroyed and the petitioner would be handicapped due to the non-availability of CDR and great prejudice would be caused to him to probabilize his defence. He further submitted that the petitioner as Village Administrative Officer on 16.07.2023 lodged a complaint when two bullock cart loaded with illegal river sand found, took steps and action through the Police, petitioner playing an effective role in curbing the illegal mining of river sand which is also a reason for false complaint against the petitioner.



Crl.O.P.No.24480 of 2025

5.In support of his contention, the learned counsel for the petitioner relied upon the decision of this Court in the case of ***Saroja vs. Inspector of Police Vigilance and Anti-Corruption, Chennai*** in ***Crl.O.P.No.11318 of 2025 dated 30.04.2025*** and in the case of ***T.Mathivanan vs. Deputy Superintendent of Police, Vigilance and Anti-corruption, Ranipet District*** in ***Crl.O.P.No.19302 of 2025 dated 08.07.2025***.

6.The learned Additional Public Prosecutor filed his counter and submitted that the defacto complainant A.Ganesan purchased a house site plot measuring to an extent of 6157 sq.ft. situated in Mandakolathur Village S.No.621/1 from one Veeraragavan S/o Venketesan, Adayar, Chennai vide Document No.890/2002 of SRO, Polur on 08.05.2002 and the same is under the enjoyment of the complainant. As per the revenue records the said area of land classified under Kali (Vacant)-Natham. The defacto complainant approached the Revenue Divisional Officer, Arni Division, Tiruvannamalai District and gave an application requesting patta for the said house site plot in the month of October, 2023. Based on the petition of the defacto complainant, the Village Administrative Officer/petitioner herein conducted



enquiry, measured the said land with the officials from Survey Department.

Thereafter, the land was sub-divided into two survey numbers vide S.Nos.853/4B and 853/4C in the name of the defacto complainant and his wife, Tmt.Muniyammal, respectively and a Provisional Patta i.e. Manaivari Thorava Pattas issued to them on 06.11.2023. At the time of issuing the patta to the defacto complainant on 06.11.2023, the petitioner demanded Rs. 80,000/- i.e., Rs. 40,000/- for each patta, for recommendation made by him. Though the defacto complainant explained his situation that he is unable to give the bribe amount, the petitioner demanded the same, otherwise no further works would be done and regular patta will be denied to the defacto complainant as long as the petitioner is Village Administrative Officer of Mandakolathur Village. The defacto complainant not willing to give the bribe money to the petitioner, gave a complaint at the office of Deputy Superintendent of Police, V&AC at Tiruvannamalai on 03.02.2024. Hence the case was registered.

7.The learned Additional Public Prosecutor further submitted that the petitioner was arrested by the V&AC, Tiruvannamalai at 18.00 hrs on



Crl.O.P.No.24480 of 2025

03.02.2024 at Taluk Office, Polur and his statement recorded and recovered the tainted currencies in the presence of two official witnesses from the petitioner and counted with the assistance of two official witnesses and they tallied with the entrustment magazars, earlier prepared at the V & AC office, Tiruvannamalai on 03.02.2024 and the bribe amount seized under a cover of Seizure Mahazar. The petitioner remanded in Central Prison Vellore. Thereafter, the Inspector of Police, V&AC, Tiruvannamalai took up the investigation of the case and examined 18 witnesses, recorded statements and collected 29 documents, investigation completed and filed the final report before the learned learned Chief Judicial Magistrate cum Special Judge, Tiruvannamalai on 15.07.2025. He further submitted that decoy witness on whose written complaint, case registered and trap laid against the petitioner not mentioned anything about the mobile conversation with the petitioner at any time prior to his complaint. Hence the necessity to collect Call Data Record (CDR) did not arise during the investigation of the case.

8.Considering the submissions made and on perusal of the materials, it is seen that the contention of the petitioner is that though he sought, Call



Crl.O.P.No.24480 of 2025

Data Record of eight persons, now he restricted the same to summon the

Call Data Record of the defacto complainant, petitioner, Santosh Kumar (Broker), Elumali and Gopinath (Head Constable). The specific defence of the petitioner is that the defacto complainant sought for patta for the Government poramboke land, further found the petitioner being an obstruction taking steps to fence the poramboke lands. Admittedly patta sought for Kali Natham land, a Government land. Earlier the defacto complainant sought for adangal to his 2 acres of agricultural land for obtaining crop loan from Mandalathur Primary Agriculture Co-operative Bank in this regard, there is some animosity between them. Further it is seen that FIR in Crime No.276 of 2023 was registered on the complaint by the petitioner for illegal mining of river sand, according to the petitioner, Santosh Kumar in offensive gave complaint in Crime No.8 of 2024. The petitioner taking effective role in curbing illegal sand mining and removing the encroachments from the Government land is the reason for all the affected persons to team up and framing the petitioner in the above case is the serious contention of the petitioner, cannot be ignored or brushed aside. In this case, charge sheet made ready and soon to be taken on file, but it will



Crl.O.P.No.24480 of 2025

take some time for the trial to reach the defence stage and it will be difficult to collect Call Data Records later.

9.This Court on earlier occasions, in similar circumstances granted collection of Call Data Records and directed to be submitted to the Trial Court along with necessary certificate which can be considered during trial at the appropriate stage. Hence, this Court directs the respondent police to collect the Call Data Records of the defacto complainant (Mobile No.9626628819), petitioner (Mobile Nos.7904491121 & 9791655291), Santosh Kumar (Broker) (Mobile Nos.9943629714 & 8015120911), Elumali (Mobile No.9786483021) and Gopinath (Head Constable) (Mobile No.9486329444) from the service provider for the period from January 2024 to December 2024 and submit the same before the Trial Court.

10.In the result, the Criminal Original Petition stands partly allowed.

03.11.2025

Index: Yes/No
Speaking Order/Non-Speaking Order,
Neutral Citation: Yes/No
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Crl.O.P.No.24480 of 2025

To

- 1.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Thiruvannamalai.
- 2.The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No.24480 of 2025

M.NIRMAL KUMAR, J.

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CrI.O.P.No.24480 of 2025

03.11.2025