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CRL OP No. 30749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 30749 of 2025

AND

CRL MP NO. 21035 OF 2025

1. Radhika
2. Thilagavathy

..Petitioner(s)

Vs

1. The Inspector Of Police
G-3, Keelpauk Police Station,
Chennai.
2. Amudhavalli
3. Kannan
4. Navaroopan
5. Venkatesan
6. Senthil Kumar @ Kullakandai
7. Arunagiri
8. Saravanan Sambandam
(R8 impleaded vide Court order dated
26.03.2026 in Crl.MP. No.2638 of 2026)

..Respondent(s)



CRL OP No. 30749 of 2025

PRAYER: This Criminal Original Petition is filed under Section 528 of BNSS Act, to set aside the order passed in Crl.MP.No.5826 of 2025 in S.C.No.301 of 2017 by the VI Additional City Civil Court Chennai dated 08.10.2025 as illegal and not maintainable.

For Petitioners: Mr.Adinarayana Rao

For Respondents: Mr.Leonard Arul Joseph Selvam,
Additonal Public Prosecutor for R1
Mr.S.Praveenkanth for R2
M/s P.Sivagurunathan For R3 To R5
Mr.J.Suresh for R8

Order

The petitioners/A1 to A3 have filed the present petition challenging the order passed by the Trial Court, permitting the prosecution to (i) produce the Call Detail Records (CDR) pertaining to Mobile No. 99621 93619 through P.W.15, and (ii) examine the Branch Manager of Karnataka Bank Limited to speak about the letter dated 28.04.2017 issued by the said Bank.

2. The learned counsel for the petitioners submitted that there exists a matrimonial dispute between the first petitioner (A1) and the defacto complainant, who is her husband. The prosecution case is that the petitioner and the defacto complainant returned from Dubai on 22.06.2016, and on the following day, i.e., 23.06.2016, when the defacto complainant, along with his



parents and a relative Jaileshkumar, had gone to a restaurant at Orms Road for lunch, he was attacked by certain assailants when he got down from his vehicle. It is alleged that the said attack was arranged by the petitioner and her family members due to matrimonial discord and with an ulterior motive to plunder properties.

3. The learned counsel further submitted that the key witnesses present at the scene of occurrence, namely the parents of the defacto complainant and the said relative, have not supported the prosecution case. It was also contended that Mobile No. 99621 93619 does not belong to the petitioner, but to one Srinivasan, who is neither an accused nor a witness in the case. It was pointed out that the Karnataka Bank had issued a letter stating that SMS alerts relating to A1's bank account were sent only to Mobile No. 98418 11099, thereby indicating that the petitioner was using only that number. It was further contended that the CDR would reveal that the said mobile number was active even from 01.06.2016, whereas the admitted position is that A1 arrived in Chennai only on 22.06.2016, and therefore, it cannot be conclusively inferred that the number was in the exclusive usage of the petitioner. It was argued that the present attempt to introduce these documents at this stage, after the witnesses have not supported the prosecution case, is only to fill up lacunae and



protract the proceedings.

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4. The learned counsel also submitted that the defacto complainant had earlier made a representation dated 12.10.2024 to the Investigating Officer seeking similar relief, and subsequently filed a Writ Petition in W.P. No.38022 of 2024, which came to be dismissed by this Court on 23.01.2025. It was contended that what could not be achieved directly is now sought to be achieved indirectly through the prosecution, and hence, the impugned order is unsustainable.

5. The learned Additional Public Prosecutor, on the other hand, submitted that the mobile phone in question was seized from A8, who was arrested on 08.07.2016 in Crime No.672 of 2016 by the Inspector of Police, G3 Police Station for offences under Sections 341, 294(b), 323, 336, 427, 397 and 506(ii) IPC. During his confession, A8 disclosed that the mobile phone bearing No. 99621 93619 had been handed over to him by the said Srinivasan, pursuant to which, it was seized. It was further submitted that, after seizure, the service provider was requested to furnish the call detail records, tower location and relevant data, which were collected and are sought to be marked through P.W.15, an official from Bharti Airtel. However, due to oversight, though the CDR details were collected, they were not marked earlier.



6. With regard to the Karnataka Bank letter, it was submitted that upon verification, certain discrepancies in the mobile number were noticed, and therefore, it has become necessary to examine the Branch Manager to clarify the same. It was emphasized that both the CDR records and the bank letter form part of the charge sheet, and their marking would not introduce any new material. It was also submitted that permitting the same would not prejudice the petitioners and, in fact, would enable a fair adjudication of the case, as the petitioners would have full opportunity to cross-examine the witnesses. Further, it would be only beneficial for the petitioner to strengthen their case as claimed by them that they have been falsely implicated and the points raised by the petitioner can very well put to the witness and the case still at the trial stage and it will be only beneficial for both the prosecution as well as for the defence, so that the Court can come to arrive at a just decision.

7. The learned counsel appearing for the defacto complainant submitted that he had earlier given a representation dated 12.10.2024 to the Inspector of Police pointing out that the CDR records had not been marked and that the bank letter required clarification. Since no action was taken, he filed W.P. No.38022 of 2024, which was disposed of by this Court on 23.01.2025. This Court, while holding that the writ petition was not maintainable, granted liberty to the



prosecution to proceed with the trial by examining relevant witnesses and marking all collected documents through competent witnesses or the Investigating Officer.

8. This Court has considered the submissions made on either side and perused the materials available on record. It is not in dispute that the documents in question, namely the CDR records and the letter issued by the Branch Manager of Karnataka Bank, form part of the charge sheet. The CDR records are sought to be marked through P.W.15, and the examination of the Bank Manager is intended only to clarify the contents of the already available document. The contention of the petitioners that the said documents are being introduced to fill up lacunae cannot be accepted, as no new material is sought to be introduced. The prosecution is only attempting to formally prove documents already collected during the course of investigation.

9. It is always open to the petitioners to raise all their objections and contentions, including those relating to ownership and usage of the mobile number, at the time of trial and by way of cross-examination. Insofar as the examination of the Bank Manager is concerned, the same cannot be construed as introducing a new witness, since the document issued by the Bank is already part of the record, and the examination is only for the purpose of clarification.



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10. In view of the above, this Court finds no reason to interfere with the order passed by the Trial Court. Accordingly, the petition stands **dismissed**. It is made clear that the observations made herein are only for the limited purpose of disposal of this petition, and it is open to the petitioners to raise all their defences before the Trial Court. Consequently, connected Miscellaneous Petition is also dismissed.

26-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKP

To
1. The VI Additional City Civil Court, Chennai.
2. The Inspector Of Police
G-3, Keelpauk Police Station,
Chennai.



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M.NIRMAL KUMAR J.

RKP

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