



Crl.OP.(MD).No.1034/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.02.2026

CORAM :

THE HONOURABLE Mrs. JUSTICE N.MALA

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K.Saravanan

... Petitioner

Vs.

The State of Tamilnadu rep.by
The Inspector of Police
Vigilance & Anti Corruption Wing
Sivagangai District.
Cr.No.10/2022

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS/482 of CrPC, to set aside the impugned order by the learned Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Sivagangai, MP.No.5/2025 in Spl.CC.No.7/2023 dated 14.10.2025 as illegal.

For Petitioner	: Mr.G.Karuppasamy Pandiyan
For Respondent	: Mr.B.Nambi Selvan Additional Public Prosecutor

ORDER

(1)This petition is filed by the petitioner to set aside the impugned order dated 14.10.2025 made in MP.No.5/2025 I Spl.CC.No.7/2023 by the Special Court for



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Trial of Cases under the Prevention of Corruption Act, Sivagangai, dismissing the petitioner's application to produce certain records relating to the mobile No. 9894286959, including the subscriber details, date of activation, Call Data Records [CDRs] and SMS received between 26.10.2022 and 31.10.2022.

(2)The case of the prosecution is that the petitioner who is arraigned as A1, being a public servant, had demanded bribe of Rs.7,000/- on 28.10.2022 from the defacto complainant Thiru.Divyadharshan, for the purpose of transferring patta in his name from the name of his mother. It is stated that the accused later scaled down the bribe amount from Rs.7,000/- to Rs.6,000/- and received the same on 31.10.2022 through the second accused, in the presence of the official witness, Tr.Pandi @ Muruganandam. It is further stated that on the instructions of the petitioner [A1], Manibharathi [A2], received the tainted currency notes of Rs. 5,000/- and kept it in his pant pocket. The Forensic Science Lab Report confirmed the presence of Sodium Carbonate and phenolphthalein in the washed solutions. Therefore, a case under the Prevention of Corruption Act, was registered in Crime No.10/2022 for the offences u/s.7 of PC Act, 1988, as amended by the PC [Amendment] Act, 2018, against the petitioner and A2.



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(3) During the pendency of the trial, the petitioner filed an application for production of the application form submitted by the subscriber of the Mobile No.9894286959, date of activation of the said mobile number, CDR of 9894286959 for the month of October, 2022 and SMS received in Mobile No.9894286959 from 26.10.2022 and 31.10.2022. The respondent filed a counter to the said application, wherein it was stated that the documents were neither relevant nor necessary for the just decision of the case and that the petition was filed only to delay the proceedings. It was further stated that as per the Letter of the Government of India, Department of Telecommunications [Access Service Wing] in No.20-271/2010-AS-I [Vol.III] dated 21.12.2021, the Telecom Service Providers were directed to retain the Call Data Records [CDRs], IPDRs and EDRs only for a period of two years, after which period, the data could be destroyed unless specific directions were issued to preserve them. The Trial Court, on consideration of the entire materials before it, dismissed the application, aggrieved by which, the petitioner/A1 has filed the above Criminal Original Petition.

(4) The learned counsel for the petitioner submitted that the petitioner had sought for production of four items of documents, but the Trial Court rejected the application by discussing only one item of documents and therefore, the impugned order is vitiated for total non-application of mind. The learned counsel further submitted



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that the impugned order was cryptic and non-speaking and therefore, the same deserved to be set aside. The learned counsel relied on the judgment of this Court dated ***27.11.2012 in Crl.RC.(MD).No.567/2012 [S.Regina Beevi Vs. The Inspector of Police, Vadasery Police Station, Vadasery, Nagercoil, Kanyakumari District]*** in support of the said contention.

(5)The learned Additional Public Prosecutor appearing for the respondent, on the other hand, submitted that the entire materials were placed by the prosecution before the Trial Court and only thereafter the Trial Court, on appreciation of the entire materials, passed the impugned order and therefore, the same did not suffer from any infirmity or illegality. The learned Additional Public Prosecutor further submitted that as per the Letter No.20-271/2010-AS-I [Vol.III] dated 21.12.2021, of the Government of India, Department of Telecommunications [Access Service Wing], the CDRs would be maintained only for two years and once the CDRs were destroyed, the SMS messages being a part of CDR, cannot be restored or retrieved. The learned Additional Public Prosecutor, submitted that in view of the aforesaid letter of the Government of India, Department of Telecommunications, the prayer sought for by the petitioner relating to the production of CDR and SMS messages received from the Mobile No. 9894286959 for the relevant period from 26.10.2022 to 31.10.2022, became infructuous and hence, rightly rejected by the Trial Court .



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(6) Heard both sides and perused the materials placed on record.

(7) From a perusal of the impugned order, it is seen that the learned Trial Judge relied on the Letter of the Government of India, Department of Telecommunications [Access Service Wing], dated 21.12.2021, for holding that the relief sought for by the petitioner became infructuous and impracticable. The learned Trial Judge, referring to Section 94[1] of BNSS, 2023, stated that the material sought for, was neither available nor traceable and therefore, the plea of the petitioner that such information was vital for cross-examination was merely a speculative one. The learned Trial Judge also found that the application itself was filed belatedly and if allowed, would yield no useful purpose. The learned Trial Judge, exercising the discretion vested in him, rejected the petition.

(8) From the material on record, it appears that the criminal case in Cr.No.10/2022 was registered in 2022 itself. The petition seeking production of the certified copies of the documents mentioned in the petition was filed on 24.01.2025. The Government of India, Department of Telecommunications, in its Letter dated 21.12.2021, in No.20-271/2010-AS-I [Vol.III], mandated that CDRs be retained only for two years. The petitioner has not given any plausible explanation for the delay in approaching the Court for production of the petition mentioned documents. This Court, is therefore of the considered view that the Trial Court is



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right in holding that the application was a speculative one and made with a view to drag on the proceedings.

(9)The contention regarding the production of the application form and the date of activation of the mobile number 9894286959 is concerned, the case of the respondent is that it is not essential or necessary for the case. Admittedly, the complainant Divyadharshan, had given the said mobile number 9894286959 as one of the numbers for all communications and even the petitioner claims to have sent communications to him to the said mobile number only. Since it is undisputed that the petitioner addressed communications to the very number furnished in the application form, the relevance of the said documents to the petitioner's case becomes questionable. The Trial Court was therefore right in rejecting the petitioner's prayer.

(10)The learned counsel for the petitioner relied on the judgment of this Court in ***Regina Beevi's case [referred to above]***, in support of his submission that the impugned order was a cryptic and non-speaking order and hence, deserved to be set aside. In my view, the said judgment does not apply to the facts of the case since this Court finds that the learned Judge has given cogent and proper reasons for rejecting the petitioner's petition.



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(11)For all the above reasons, this Court finds no illegality or infirmity in the impugned order of the Trial Court and hence, it warrants no interference.

(12)Hence, the Criminal Original Petition is **dismissed**.

12.02.2026

Internet : Yes/No
AP

To

- 1.The Inspector of Police
Vigilance & Anti Corruption Wing
Sivagangai District.
- 2.The Special Judge,
Special Court for Trial of Cases Under
Prevention of Corruption Act, Sivagangai.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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N.MALA., J.

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