



Crl.R.C.(MD)No.629 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.04.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.R.C.(MD)No.629 of 2026

P.Chandrasekar

... Petitioner

Vs.

1. The State of Tamilnadu,
The Inspector of Police,
Cyber Crime Branch III,
Madurai City.
Crime No.83 of 2025

2. The Regional Forensic Science Laboratory,
Mylapore, Chennai.

... Respondents

(R2 is suo motu impleaded vide order of this Court dated 15.04.2025 in this petition.)

PRAYER : Revision filed under Section 438 r/w 442 of BNSS, 2023 to call for the records pertaining to the impugned order dated 05.03.2026 in Crl.M.P.No. 1416 of 2026 passed by the learned Judicial Magistrate No.I, Madurai and set aside the same.

For Petitioner : Mr.M.Dinesh Hari Sudarsan
for Mr.J.M.Arvind Pawlraj

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.)



Crl.R.C.(MD)No.629 of 2026

ORDER

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Challenging the order dated 05.03.2026 passed by the learned Judicial Magistrate No.I, Madurai in Crl.M.P.No.1416 of 2026, in Crime No.83 of 2025 the file the respondent police, this criminal revision case is filed.

2. The learned counsel appearing for the petitioner submitted that the petitioner had filed an application under Section 497 & 503 BNSS seeking return of his phone, namely, iPhone 13 Pro Max, IMEI / MEID 356955700008563, IMEI2 356955700079937 belonging to the petitioner. The petitioner was implicated as the third accused in Crime No.83 of 2025, pursuant to which his mobile phone was also seized on 19.08.2025. Even after a lapse of more than three months, since the same was not returned, the petitioner had filed the said application. However, the trial Court had dismissed the same, recording the fact that the forensic report with respect to certain call details and whatsapp conversations are primordial for conduct of the trial in the aforesaid case. It is also observed by the trial Court that though a report from the Regional Forensic Science Laboratory ('RFSL') has already been obtained, recording the possibility of the petitioner to tamper the evidence by deleting all the messages with respect to the report received by the trial Court, the application seeking return of mobile phone was dismissed.



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3. The learned Government Advocate appearing for the respondent submitted that the respondent police had raised four queries before the RFSL. It was further submitted that the RFSL has furnished reports with respect to three of the queries, and that the report pertaining to the fourth query is still awaited and remains pending.

4. Heard the learned counsel on either side and carefully perused the materials placed before this Court.

5. Though the learned Government Advocate submitted that the respondent police had raised four queries before the RFSL, the RFSL has furnished a report only in respect of three queries, leaving the fourth query unanswered. It was further submitted that, in this regard, a fresh requisition has been made by the respondent police, and the report pertaining specifically to the fourth query is still awaited and remains pending. Pending the same, the question of returning the mobile phone will not arise.

6. However, this Court has considered the observations made by the trial Court, wherein it was recorded that the mobile phone cannot be returned to the



petitioner pending trial on the sole ground that the petitioner may tamper with the data contained therein. Such a finding, in the opinion of this Court, warrants interference.

7. In this regard, the Regional Forensic Science Laboratory, Mylapore, Chennai, is suo motu impleaded as the second respondent. Registry is directed to carry out necessary amendment.

8. This writ petition stands disposed with the following directions:

(i) The first respondent is directed to forthwith raise a report for the 4th query made before the 2nd respondent within a period of two weeks from the date of receipt of copy of this order.

(ii) Since the fourth query pertains to testing the veracity of the audio recording and identifying the authenticity of the persons involved in the said conversation, the second respondent shall obtain voice samples from the accused concerned and thereafter compare the petitioner's voice sample with the voice contained in the WhatsApp audio message and shall submit a precise report as to whether the petitioner's voice matches with the voice involved in the said audio conversation extracted from the mobile phone in question. The complete details of the audio recording that transpired between the persons



Crl.R.C.(MD)No.629 of 2026

involved in the said audio recording, shall also be downloaded and furnished in printed form to the trial Court to enable it to properly deal with the case, within a period of one month from the date of voice samples obtained from the petitioner. The petitioner is also directed to cooperate with the second respondent to give his voice sample forthwith.

(iii) On receipt of the said report from the second respondent, the trial Court is thereafter directed to return the mobile phone to the petitioner on making a proper application for return of the mobile phone by the petitioner afresh, within a period of one month thereafter.

(iv) It is made clear that the trial Court cannot retain the mobile phone on the mere apprehension that the petitioner may tamper with the evidence. The forensic report itself can serve as primary evidence for the purpose of the trial. The said report pertains to WhatsApp messages, which have already been extracted and preserved in the form of the forensic report.

15.04.2026

NCC : Yes / No
Index : Yes / No
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CrI.R.C.(MD)No.629 of 2026

L.VICTORIA GOWRI, J.

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TO:-

1. The Judicial Magistrate No.I, Madurai.
2. The Inspector of Police,
Cyber Crime Branch III,
Madurai City.
3. The Regional Forensic Science Laboratory,
Mylapore, Chennai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.629 of 2026

Dated
15.04.2026