

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 7141/2025

[Arising out of impugned final judgment and order dated 18-12-2024 in WPMD No. 23982/2024 passed by the High Court of Judicature at Madras at Madurai]

S.SELVAKUMAR

Petitioner(s)

VERSUS

THE DIRECTOR GENERAL OF POLICE & ORS.

Respondent(s)

Date : 21-07-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN

HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) : Dr. G. Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.
Mr. Harikrishnan P V, Adv.

For Respondent(s) : Mr. Sabarish Subramanian, AOR

Ms. Vrinda Bhandari, AOR

Ms. Nitya Jain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. We have heard Dr. G. Sivabalamurugan, learned counsel for the petitioner and Ms. Vrinda Bhandari, learned counsel for the respondent-State of Tamil Nadu.

2. Petitioner is aggrieved by order dated 18.12.2024, passed by the Madurai Bench of the Madras High Court (briefly the 'High Court' hereinafter) rejecting the prayer of the petitioner to preserve and produce the Call Details Report (CDR) of the concerned mobile phones with covered location from 01.09.2022 to 30.09.2022.

3. Petitioner is an accused in Sessions Case No.56 of 2023, prosecuted before the Principal District and Sessions Judge, Karur. In the course of the trial, petitioner moved a Writ Petition before the High Court making the aforesaid prayer. However, the High Court rejected the request of the petitioner.

4. This Court by order dated 02.05.2025, issued notice and directed the respondents to preserve the CDR for the aforesaid period. In the proceedings before this Court on 25.07.2025, a submission was made on behalf of the respondent-State that the CDR for the aforesaid period would not be relied upon by the prosecution. That apart, a submission was also made that the Vodafone authority had informed the prosecution that the CDR could only be preserved for a maximum period of two years.

5. Thereafter, on 26.08.2025, this Court directed the respondents to file affidavit on the question as to whether the CDR details of the concerned mobile numbers have been preserved or not. It was stated that if those were no longer in existence, the Court should also be informed as to when those records were deleted. Pursuant to the aforesaid order dated 02.05.2025, State has filed counter affidavit on 02.02.2026. Paragraphs 5, 6 and 7 of the said affidavit read as:

"5. I submit that the above factual position stands independently confirmed by Mr. S. Radhakrishnan, now Deputy Superintendent of Police, IUCAW-II, Thanjavur District, who earlier investigated Crime No.115 of 2022. In his written communication to the Superintendent of Police, Karur District, he has stated that while functioning as Circle Inspector, K. Paramathi Police Station, the

investigation was handed over to another Investigating Officer on 13.09.2022, and that during his phase of investigation, no Call Detail Records were requested or collected in respect of witnesses Periyasamy, Ponnusamy and Mohanraj, or their mobile numbers. True copy of letter 13.6.2025 is annexed herewith as Annexure-R-1. (4-5)

6. I submit, without prejudice, that on 12.06.2025, the Inspector of Police, K. Paramathi Circle, Karur Rural Sub-Division, addressed a letter to the Superintendent of Police, Karur District, requesting Call Detail Records relating to mobile numbers 7639283925, 9003635299 and 9787960753 for the period 01.09.2022 to 30.09.2022, solely for the purpose of producing before this Hon'ble Court. Therefore, request was sent to the service provider for call details of the aforementioned numbers. However, by e-mail dated 13.06.2025. the service provider informed the Superintendent of Police, Karur District, that the records sought exceeded the mandatory two-year retention period prescribed under telecom licence conditions, and were therefore no longer available. Email copy dated 13.6.2025 received from the service provider is annexed herewith as ANNEXURE-R-2. (6)

7. I submit that the alleged occurrence pertains to September 2022, and the writ petition was filed after nearly two years, with full knowledge of statutory data-retention limits. The present Special Leave Petition is a continuation of the same attempt and is clearly intended to delay the Sessions Trial in S.C. No.56 of 2023, pending before the Principal District Court, Karur."

6. In the course of the hearing today, learned State Counsel submits that the session's case has ended in the conviction of the petitioner under Section 302 of the Indian Penal Code, 1860 (IPC),

read with Section 120 thereof. At this stage and more particularly having regard to the fact that the request for preservation of the CDR was made after completion of the two year period (incident had occurred on 10.09.2022), there was no legal mandate for the telephone company i.e., Vodafone to preserve the CDR. In any view of the matter since the trial has concluded and petitioner has been convicted, petitioner would be at liberty to raise all possible grounds, including the present one, to assail his conviction and sentence in the appeal that he may prefer.

7. At this stage, we are not inclined to interfere in the matter.

8. Subject to what we have said above, the Special Leave Petition is disposed of.

9. Pending application(s), if any, shall also stand disposed of.

(IRAMNAZ)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)