

CRL A(MD). No.794 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.07.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.794 of 2026

1. Peter @ Antony Peter
2. Lakshmanaperumal

... Appellants

Vs

1. The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Sipcot Police Station,
Thoothukudi.
(Crime No.48 of 2023)

2. The Inspector of Police,
Sipcot Police Station,
Thoothukudi.

3. P.Ramkumar

... Respondents

Appeal filed under Section 14-A(1) of SC/ST (PoA) Act, seeking to call for the records pertaining to the order dated 17.04.2026 passed by the Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi, in Crl.M.P.No.49 of 2026 in S.C.No.25 of 2023 and set aside the same.

For Appellants : Mr.M.Jagadeesh Pandian



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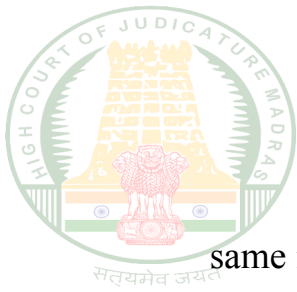


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For R1 and R2 : Mrs.V.Moushica
Government Advocate (Crl. Side)

JUDGMENT

The appellants herein are accused Nos.10 and 13 in S.C.No.25 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi. They are facing trial in S.C.No.25 of 2023 along with 13 other accused for the offences punishable under Sections 120B, 148, 149, 449, 302 r/w. Section 34, 302 r/w. Section 109 and 212 r/w. Section 109 r/w. Sec. 302 and also under Sections 3(1)(s) and 3(2) (v) of SC/ST Act, 1989. The trial in S.C.No.25 of 2023 has commenced and 52 witnesses have been examined. The prosecution is also handled by a Special Public Prosecutor appointed by the District Collector. While so, the Special Public Prosecutor has filed a petition before the trial Court under Section 91 Cr.P.C./94 BNSS, seeking a report of the Forensic Department as to the CCTV footages collected by the investigating agency from the place of occurrence. The petition filed by the Special Public Prosecutor in Crl.M.P.No.49 of 2026 in S.C.No.25 of 2023 was allowed by the trial Court, by order dated 17.04.2026 and the



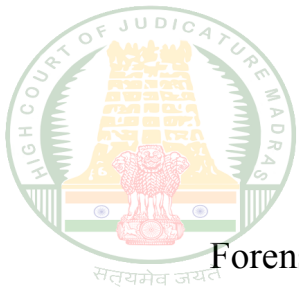
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same is under challenge in this criminal appeal.

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2. The learned counsel appearing for the appellants submitted that immediately after the occurrence, the DVR was seized from two shops and sent for analysis. Thereafter, the Investigating Officer filed the final report on 24.05.2023, citing as many as 92 witnesses, including the Investigating Officer, and producing 27 documents as exhibits. According to him, not even a single witness spoke about the DVD and when and where it surfaced remains unknown. During the trial, P.W.1 to P.W.12 were examined and at that juncture, the present petition under Section 91 Cr.P.C. was filed on 27.02.2026, wherein, the prosecution had not at all assigned any reason for filing the said petition and it has been only stated that the electronic records of CCTV footages, which were sent to the Forensic Science Laboratory, were not received by the trial Court and therefore, they prayed for CCTV electronic records to be produced before the trial Court.

3. According to the learned counsel for the appellants, the alleged CCTV footage had already been subjected to forensic examination by the



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Forensic Science Laboratory and the report was submitted on 20.11.2024 and 65B certificate was also issued and the same form part of the final report. Despite this, the trial Court directed the production of two DVDs referred in the RFSL report dated 20.11.2024. Though the prosecution had not at all sought for such documents, the trial Court went beyond the prayer sought for and granted the relief in order to fill up the lacuna.

4. It is further submitted by the learned counsel appearing for the appellants that the prosecution had attempted to fabricate evidence at a belated stage to fill up the lacuna in the prosecution case. Further, the request of the prosecution for inviting the said RFSL report was made during the trial period and that too in order to defeat the defence of the accused. The learned counsel further submitted that the accused are having a real apprehension and suspicion over the alleged two DVDs. If any incriminating material would have been available at that point of time, the Investigation Officer would not have missed the same during the filing of final report.



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5. It is further submitted by the learned counsel that the petition under Section 91 of Cr.P.C. was filed after three years and the reason was not at all properly explained. Moreover, nowhere in the entire final report had spoken about the alleged two DVRs other than the report dated 20.11.2024. Further, the chain of custody of the material objects were also not at all explained in the interregnum period. Right from the point of collection of DVR to the logical end, a chain of custody register shall be maintained, wherein, each and every movement of the evidence shall be recorded with counter sign at each end thereof stating also the reason thereafter.

6. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that this appeal has been filed by the accused in order to drag on the proceedings further. According to her, the alleged occurrence had taken place in front of a pawn shop and the Investigation Agency has seized DVR from 23.02.2023 under a Mahazar in the presence of Village Administrative Officer and Village Assistant. This DVR was also placed before the trial Court in Form-91 and the same has been received by the Court in PR No.8 of 2023 on 08.03.2023.

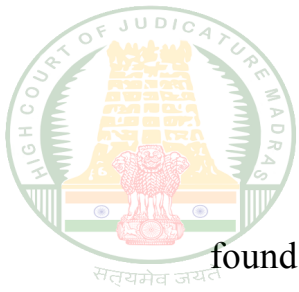


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This DVR was also mentioned in the final report in the list of material objects and a request was made to the Regional Forensic Science Laboratory (RFSL), Mylapore, Chennai, on 15.05.2023 to ascertain the footages in it on 22.02.2023 from 1.30 p.m. to 3.00 p.m. This request was made from the Court in D.No.191/2023 dated 15.05.2023 and the same has been acknowledged by RFSL in CF No.243/2023. However, the report has not been sent by RFSL. Subsequently, the Investigating Officer has collected the photos of the accused to compare the images from DVR and a request has been made to the Court. The Court has also addressed a letter to RFSL in D.No.392/2024 dated 24.07.2024 for comparison of the accused persons in the photos with CCTV footages found in DVR. The RFSL has despatched a report dated 20.11.2024 by comparing 48 photographs with DVR. The DVD with photos and DVR were preserved in the Forensic Department. The report of RFSL dated 20.11.2024 was received by the Court on 25.03.2025.

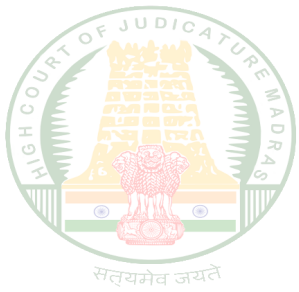
7. The learned Government Advocate further submitted that the Special Public Prosecutor, who contested the case, has resigned and thereafter, another Special Public Prosecutor has been appointed, who



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found that the report from RFSL as to the request of the Court dated 15.05.2023 regarding the footage of occurrence dated 22.02.2023 from 1.30 p.m. to 3.00 p.m. has not been sent by RFSL. Therefore, the present petition in Crl.M.P.No.49 of 2026 was filed by the prosecution on 27.02.2026. This application was also allowed by the trial Court, by order dated 17.04.2026. Therefore, there is no error in the impugned order and this criminal appeal is filed by the accused only in order to protract the trial proceedings.

8. The learned Government Advocate, by relying upon a recent Judgment of the Hon'ble Supreme Court in ***Crl.A.Nos.4718-4719 of 2024 (Sameer Sandhir vs. Central Bureau of Investigation) dated 23.05.2025***, submitted that this report has been sought for from DVR, which has been seized from the place of occurrence during the investigation and placed before the trial Court along with the final report and also based on the request made by the trial Court on 15.05.2023. Therefore, the petition filed under Section 91 Cr.P.C. is maintainable.



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9. The learned Government Advocate (Crl. Side), by referring to a Judgment of this Court passed in ***Crl.A.(MD)No.494 of 2023 dated 11.10.2023***, submitted that the co-accused has filed the above appeal before this Court seeking bail, wherein, this Court had taken cognizance of the case and issued various directions as under:

(i) The learned Special Judge, Special Court for trial of cases under SC/ST(POA)Act, Thoothukudi, is directed to dispose the trial in S.C.No.62 of 2020, S.C.No. 63 of 2020 and S.C.No.25 of 2023 within a period of two months from the date of receipt of a copy of this order as per Section 14(3) of the SC/ST(POA)Act,1989 as amended in the year 2016.

(ii) The learned Special Judge is further directed to conduct the trial in the Central Prison, Palayamkottai, Tirunelveli District.

(iii) The Superintendent of Prison, Central Prison, Palayamkottai, shall provide adequate facilities to conduct the trial in the jail premises.

(iv) The Superintendent of Police, Thoothukudi is also directed to cooperate for the same.

(v) The learned Special Judge is directed to make arrangements to allot any portion of the jail premises to conduct the trial with “observa” glass partition which is specifically designed system of reflectivity and light



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observation levels that secure the privacy of the observers namely, witnesses.

(vi) The learned Special Judge shall allow maximum number of two advocates for each accused and they shall be allowed to participate in the trial after proper security check up as per the jail norms.

(vii) It is open to the learned Special Judge to allow any of the witnesses to examine through the mode of video conference as per the procedure stated in the Madras High Court Video Conferencing Court Rules, 2020.

(viii) Since the trial Court is already burdened with other pending cases, this Court would suggest that the trial Court shall frame the time schedule to conduct and complete the trial on day-to-day basis. It is also suggested that the learned trial Judge can have every sitting in the afternoon in the jail premises.

10. The said Judgment dated 11.10.2023 passed in Crl.A.(MD)No. 494 of 2023 has also been confirmed by the Hon'ble Supreme Court in a Petition for Special Leave to Appeal (Crl.) No.422 of 2024 dated 07.02.2024.



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11. This Court considered the rival submissions and perused the materials placed on record.

12. The occurrence in this case had taken place on 22.02.2023 in between 1.30 p.m. and 3.00 p.m. near a pawn shop, Thoothukudi. The investigating agency has collected a DVR from the pawn shop on 23.02.2023 at about 10.30 a.m. under a mahazar in the presence of Village Administrative Officer and Village Assistant. This DVR seized by the investigating agency on the next day of the occurrence was also placed before the trial Court in Form 91 on 08.03.2023 and it was received and recorded in PR No.8/2023 dated 08.03.2023. A request was made by the investigating agency to ascertain the available footages in DVR on 22.02.2023 from 1.30 p.m. to 3.00 p.m. Based on this request, the Court, by its letter in D.No.191/2023 dated 15.05.2023 addressed the Assistant Director, Regional Forensic Science Laboratory, Mylapore, to retrieve the footages on 22.02.2023 from DVR placed by the investigating agency. However, this report was not received by the Court.



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13. In the meantime, a further request has been made by the investigating agency to compare five accused persons in S.C.No.25 of 2023 to be compared with the available footages in DVR which was already recovered and placed before the Forensic Department. Based on this request, another letter has been addressed by the Court in D.No. 392/2024 dated 24.07.2024 to the Assistant Director, RFSL, Chennai. The RFSL, Chennai, addressed the second request of the Court by comparing the photographs furnished in DVD along with images in the DVR and sent its report dated 20.11.2024 to the trial Court. The report of RFSL dated 20.11.2024 was received by the Court only on 25.03.2025.

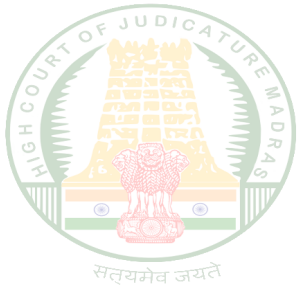
14. It appears that in the meantime, the Special Public Prosecutor, who was appointed by the District Collector, one Baghavat Singh, has resigned and thereafter, another Special Public Prosecutor was appointed to contest the case, who found that the request of the Court in D.No. 191/2023 dated 15.03.2023 was not addressed by RFSL with regard to the images found in DVR dated 22.02.2023 from 1.30 p.m. to 3.00 p.m. Therefore, he filed a petition under Section 91 Cr.P.C. to pass suitable



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orders. Accordingly, the petition filed by the prosecution in Crl.M.P.No. 49 of 2026 has been allowed by the trial Court.

15. In the case of ***Sameer Sandhir vs. Central Bureau of Investigation (Criminal Appeal Nos.4718-4719 of 2024 dated 23.05.2025)***, the Hon'ble Supreme Court has permitted the investigating agency to place the CDs which were inadvertently not produced. Here, in this case, DVR, which was recovered from the place of occurrence on the next date in the presence of the Village Administrative Office, was produced before the trial Court in PR No.8/2023 on 08.03.2023 and a request has been made by the trial Court to RFSL to retrieve the footages from DVR, on 15.05.2023, however, this report has not been received by the trial Court. Therefore, the trial Court, by the impugned order dated 17.04.2026, allowed the petition filed under Section 91 Cr.P.C. and directed the Regional Forensic Science Laboratory (RFSL) to furnish the reports. This Court does not find any reason to interfere with the impugned order passed by the trial Court. Accordingly, this Criminal Appeal is dismissed.



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16. Since this Court, by judgment dated 11.10.2023 in Crl.A.(MD)

No.494 of 2023, has issued certain directions to the trial Court, the trial Court is directed to comply with the said directions and conclude the trial as expeditiously as possible.

17. In view of the directions already issued by this Court for the expeditious conclusion of the trial, a duty is cast upon the Regional Forensic Science Laboratory (RFSL), Mylapore, Chennai, to furnish the report as directed by the trial Court, as expeditiously as possible and without any further delay.

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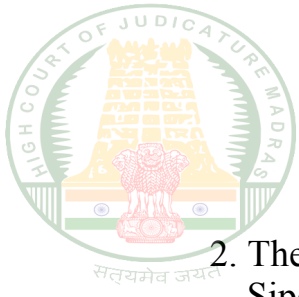
Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

To

1. The Deputy Superintendent of Police,
Sipcot Police Station,
Thoothukudi.



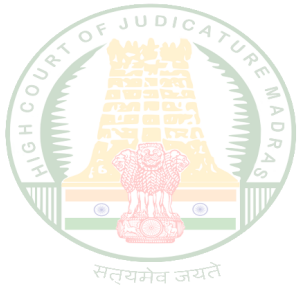
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2. The Inspector of Police,
Sipcot Police Station,
Thoothukudi.

3. The Special Court for Trial of Cases
under SC/ST (PoA) Act,
Thoothukudi.

4. The Regional Forensic Science Laboratory (RFSL),
Mylapore,
Chennai.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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