

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.20522 of 2015

N.Yashvanth Kumar ... Petitioner

Vs.

1.State rep by
The Superintendent of police,
Coimbatore, Coimbatore District - 641 018.

2.Inspector of Police,
Perur Prohibition and Excise Wing - II,
Coimbatore District.
Crime No.295 of 2014

3.Sub Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.

4.S.Selvanayagam
Sub Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 1st, 2nd & 3rd respondents to produce the copy of CC TV Camera recording available in the Kinathukadavu Police Station or appoint the CC TV Camera expert person as Commissioner to recover the CC TV Camera recording if erased with malafide intention connected in Crime No.295/2014.

For Petitioner : Mr.J.Agni Selvaraju

For Respondent : Mr.C.Emalias
Additional Public Prosecutor
for R1 to R3

O R D E R

This petition has been filed seeking for a direction to the respondents 1 to 3 to produce the copy of CC TV Camera recording available in the Kinathukadavu Police Station or appoint the CC TV Camera expert person as Commissioner to recover the CC TV Camera recording if erased with malafide intention connected in Crime No.295/2014.

2. The case of the petitioner is that the petitioner is doing a Catering business in the name and style of Ashta Lakshmi and he is a member of the Baharathiya Janatha Party, Hindu Munnani and also doing Social activities. In the Local Body Election-2014, one S.Selvanayagam, 4th respondent herein had developed enmity with the petitioner. While so, on 22.09.2014, when the petitioner standing in the Kindathukadavu Bus Stand to send his workers viz., Sivakumar and Bharath Kumar, in the petitioners Maruti Omni Van bearing registration No.TN-38-Aw-0599, the 4th respondent came near to the petitioner's Omni Van and asked to show papers of the car and asked the name and address details about the petitioner and two others. Thereafter, the 4th respondent told the petitioner to come to the police station and to put sign. When the petitioner questioned the same, the 4th respondent and other two policemen took the petitioner and his two workers to Kinathukadavu Police Station, including the petitioner's Maruti Omni Vani and beaten the petitioner with wooden stick. On 23.09.2014, the 4th respondent registered a case in Crime No.295 of 2014 with false allegations against the petitioner and his two workers. This occurrence was recorded in the CC TV camera available in the Kinathukadavu Police Station. Hence, the petitioner sent RTI application to the 3rd respondent on 14.11.2014 to furnish the CC TV Camera recording available in Kinathukadavu Police Station. However, the 3rd respondent has refused to furnish the same. Hence, the present petition is filed.

3. The 3rd respondent herein has filed a counter affidavit, denying all the allegations made in the petition, stating that on 23.09.2014, while he was doing vehicle check-up along with his police at Coimabtoire to Pollachi Raod, near New Bus stand, the police team intercepted one Omni Van bearing Reg.No.TN 38 AW 0599 and checked the said vehicle and found 6 IMFL bottles of Karnataka State and 2 IMFL bottles of Kerala State were carried by one Yasvanth Kumar along with Sivakumar and Bharath Kumar, without any license or permit for the transport. Immediately, the Sub-Inspector of Police arrested the accused persons and seized the above car along with 8 liquor bottles by way of seizure mahazar in the presence of two Police Constables. Thereafter, they brought the accused persons along with seized properties. A case was registered in Kinathkadavu Police

Station, Coimbatore in Crime No.295 of 2014 under Sections 4(1) (a) TNP Act (Transport) against the accused persons. Further, it has been stated that on the date of occurrence, Kinathukadavu Police Station was functioning at Kindathukadavur Police Quarters only and at that time, there was no CC TV camera. Further, only on 23.12.2014, CC TV Camera was installed by the Inspector of Police (Tech), PTB, IT Cell, Coimbatore District, and the same was started to function only on 23.12.2014. Thus, sought for dismissal of this petition.

4. Considering the facts and circumstances of this case and also considering the fact that, according to the counter affidavit filed by the 3rd respondent, CC TV Camera was fixed only on 23.12.2014 by the Inspector of Police (Tech), PTB, IT Cell, Coimbatore District, this Court cannot give any direction to the respondents 1 to 3 to produce the copy of CC TV Camera recording available in the Kinathukadavu Police Station.

5. Accordingly, this petition is dismissed.

vsm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Superintendent of police,
Coimbatore, Coimbatore District - 641 018.

2.The Inspector of Police,
Perur Prohibition and Excise Wing - II,
Coimbatore District.

3.The Sub Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.

4.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.J.Agni Selvaraju, Advocate Sr 62859.

PPA/CO
KR/14/12

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