



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.(MD).No.19344 of 2018

M.Sathish Kumar

... Petitioner

Vs.

- 1.The Secretary to Government
(Home and Police Department),
Government of Tamil Nadu
Secretariat,
St.George Fort,
Chennai, Tamil Nadu.
- 2.The Director General of police
Mylapore,
Chennai-600 004.
- 3.The Commissioner of police
Madurai City,
Madurai - 625 002.
- 4.The Deputy Commissioner of Police,
Head Quarters and Public Information
Officer (RTI Act, 2005),
Madurai City, City police office,
Madurai - 625 002.
- 5.The Assistant Commissioner of Police (L&O),
Tallakulam Range,
Madurai City,
Madurai - 625 002.
- 6.The Dean,
Government Rajaji Hospital,
Madurai-625 002
- 7.Manivannan
Inspector of police (L&O),
Sellur police station,
Madurai City,
Madurai - 625 002.



8.Murugan
Sub Inspector of police (L&O),
Sellur police station,
Madurai City,
Madurai - 625 002.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the third respondent to take necessary action to preserve the CCTV Footage recorded in their station (Sellur Police Station) from 15.08.2018 to 21.08.2018 and for other reliefs this Court.

For Petitioner : Mr.R.Babu Jaganath

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to direct the third respondent/the Commissioner of Police, Madurai, to take necessary action to preserve the CCTV Footage recorded in the Station (Sellur Police Station) from 15.08.2018 to 21.08.2018.

2.It has been brought to the notice of this Court that the petitioner has been arrayed as accused in Crime No.1302 of 2018 registered by the Inspector of Police, Sellur Police Station and therefore, this Court does not want to deal with the merits of the case.

3.The brief facts of the case is that on 16.08.2018 at about 09.00 a.m., while the petitioner was moving along with one relative, namely, Mohan in a two wheeler bearing Registration No.TN58 AV 8922 (Bajaj Platina) by which he was forcibly taken to Melur Police Station and thereafter to Sellur Police Station, Madurai City and was kept under illegal detention by the seventh and eight respondents. The further averment is that he was beaten under the guise of interrogation to know about the where about of one Manimaran, who said to have been involved in a murder case. Further the petitioner was abused in all manner with filthy languages and was also brutally assaulted and the petitioner sustained injuries all over his body and head. Hence, the petitioner's wife had filed a petition under Section 97 of Cr.P.C. before the Judicial Magistrate No.II,, Madurai in Cr.M.P.No.3388 of 2018. On 20.08.2018, the learned Magistrate had appointed an Advocate Commissioner, namely, Ms. M.Rajalakshmi as Commissioner to search the Sellur Police Station ascertaining the particulars of illegal detention of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4.When the Advocate Commissioner had gone to the Sellur Police Station, she had found that nobody was illegally detained



and she had filed a detailed report to the learned Judicial Magistrate No.II, Madurai on 21.08.2018, in which, she has stated that the petitioner was not in detention, whereas the vehicle and the mobile phone of the petitioner were under custody of the Police.

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5.The learned counsel for the petitioner would submit that before the Advocate Commissioner could reach the police station, signatures were obtained by the seventh and eight respondents in blank papers from the petitioner and thereafter, the petitioner was allowed to go. Since the petitioner had sustained severe injuries all over the body, he was admitted in Government Rajaji Hospital, Madurai, on 21.08.2018 was treated as inpatient.

6.The present petition had been filed, seeking to recover the CCTV Video Footage recorded in Sellur Police Station, Madurai, from 15.08.2018 to 21.08.2018. The learned counsel would submit that since the petitioner had sent several representations to the Higher Officials, namely, respondent Nos.1 to 4, the seventh and eight respondents have forcibly implicated him in Crime No.1302 of 2018, registered by the Inspector of Police, Sellur Police Station. He would further submit that seventh and eight respondents are trying to tamper the evidence and destroy the evidence about his illegal confinement. Hence, this petition has been filed to preserve the CCTV Footages.

7.The learned Additional Public Prosecutor appearing for the seventh and eight respondents had filed a counter stating that CCTV fixed in the police station was not in working condition for the past 10 days and that it has also been noted by the Advocate Commissioner in her report.

8.At this juncture, the learned counsel for the petitioner would submit that only if the Digital Video Recorder (DVR) of the concerned Police Station is secured, the petitioner will be able to bring out the truth whereas, if it is allowed to be in the hands of the respondents 7 and 8., there is very possibility of the evidence being tampered with and destroyed.

9.Heard the submissions made on either side and perused the materials placed before this Court.

10.Without going into the merits of the case, this Court is inclined to pass the direction to the third respondent to recover the Digital Video Recorder (DVR) in the Sellur Police Station in accordance with law and hand it over to the learned Judicial Magistrate No.II, Madurai, with immediate effect.

11.The petitioner shall file proper petition before the concerned Magistrate with regard to sending of Digital Video Recorder (DVR) for appropriate Forensic Examination. The third respondent shall depute an Officer to conduct an audit with



regard to working and maintenance of CCTV Cameras in the Police Stations under his jurisdiction.

12. With these observations, this Criminal Original Petition stands closed.

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Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Judicial Magistrate No. II, Madurai.
2. The Secretary to Government
(Home and Police Department),
Government of Tamil Nadu
Secretariat, St. George Fort, Chennai.
3. The Director General of police
Mylapore, Chennai-600 004.
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6. The Assistant Commissioner of Police (L&O),
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7. The Dean,
Government Rajaji Hospital,
Madurai-625 002
8. The Inspector of police (L&O),
Sellur police station, Madurai City, Madurai - 625 002.
9. The Sub Inspector of police (L&O),
Sellur police station, Madurai City,
Madurai - 625 002.



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

WEB COPY +1 CC To MR.R.BABU JAGANATH, Advocate SR. NO. 94851

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