

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4919 of 2019

N.Naveenkumar

... Petitioner

Vs

1. The Registrar General,
High Court of Madras,
Chennai-600 104.
 2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
 3. The Deputy Superintendent of Police,
Kancheepuram District,
Kancheepuram.
 4. The Inspector of Police,
E9, Thalampoo Police Station,
Kancheepuram District.
- ... Respondents

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to foresee the Electronic Evidence and relieve the petitioner from the false allegation made in the F.I.R.No.641 of 2018 dated 10.12.2018 framed by the 4th respondent police based on the complaint lodged by Mrs.Santhakumari.

For Petitioner : Mr.N.Naveenkumar

For R1 : Mr.Karthik Ranganathan

For RR2 to 4 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to direct the respondent to relieve the petitioner from the false

allegation made in the F.I.R.No.641 of 2018 dated 10.12.2018 after perusing the CCTV footage.

2.The case of the prosecution is that on 10.12.2018, the petitioner along with 11 other persons trespassed into the property of the defacto complainant and caused damage to her property. On the complaint lodged by the defacto complainant, the 4th respondent registered a case in Crime No.641 of 2017 against the petitioner.

3.The learned counsel for the petitioner submitted that on the date of occurrence i.e.,10.12.2018, at 11 a.m., the petitioner had personally appeared for a case in S.C.No.465 of 2018 along with his advocate before the learned Sessions Special Court for a trial. He further submitted that this can be proved by viewing the CCTV footage. Hence, he approached the concerned authority seeking CCTV footage on that particular day. Since, it was rejected, the petitioner filed the present petition with the aforesaid prayer.

4.Heard Mr.N.Naveekumar, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

5.It is seen that a complaint was lodged by one Santhakumari with regard to a property dispute before the 4th respondent Police station and the same was registered in Crime No.641 of 2018 against the petitioner. According to the petitioner, it is a false allegation and that he was not at all present at the scene of occurrence and that he had personally appeared for a case in S.C.No.465 of 2018 before the learned Sessions Special Court for trial of Criminal cases on that particular day. To prove his innocence, he seeks CCTV footage recorded in the learned Sessions Special Court, Chennai. It is further seen that the Security Committee members by an order dated 25.06.2018 have unanimously resolved, not to provide CCTV footages to any party, unless a request comes either from the investigation agency or a direction is given by the Court, provided the request and direction comes within the life time of the footage from a court or a police, the copy of the footage shall not be furnished even under the Right to Information Act.

6.Considering the above facts and circumstances of the case and without going into the merits of the case, the 4th respondent is directed to enquire into the matter in Crime No.641 of 2018 dated 10.12.2018 and file a final report. While conducting enquiry, the 4th respondent is at liberty to sought for information about the CCTV footage for that particular day i.e. 10.12.2018 from 10.30 a.m., to 1.30 p.m., from the 1st respondent for the purpose of conducting enquiry. After obtaining the CCTV

footage from the 1st respondent, the 4th respondent is directed to consider the same and conduct enquiry and complete the investigation and file a final report within a period of three months from the date of receipt of copy of this order.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(I Cell)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Registrar General,
High Court of Madras,
Chennai-600 104.
2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
3. The Deputy Superintendent of Police,
Kancheepuram District,
Kancheepuram.
4. The Inspector of Police,
E9, Thalampoo Police Station,
Kancheepuram District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Naveenkumar, Advocate, S.R.No.24405

CS/25/04/2019

Cr1.O.P.No.4919 of 2019

WEB COPY