

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH
Crl.O.P.No.24059 of 2017
in
Crl.M.P.No.13930 of 2017

1.Ajithkumar
2.Muralidharan
3.Nishanth

.. Petitioners

Vs.

State of Tamil Nadu,
Rep. by Inspector of Police,
Tiruppur South Police Station,
Tiruppur.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 03.10.2017 made in C.M.P.No.1511 of 2017, C.C.No.366 of 2016 on the file of the Judicial Magistrate Court No.II, Tiruppur by allowing this Criminal Original Petition.

For Petitioner : M/s.R.Prabakar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the order passed by the Court below, allowing an application filed by the prosecution under Section 91 of Cr.P.C, to call for the recording of the CCTV camera installed inside the shop.

2. The petitioners are facing trial before the Court below for an offence under Section 380 of IPC. During the course of trial, the prosecution had filed a petition under Section 91 of Cr.P.C, to call for the recording of the CCTV camera installed inside the shop. This was objected by the petitioners on the ground that a secondary evidence is sought to be produced before the Court without a certificate and therefore the electronic evidence is not even admissible. The petitioners took a further stand that the availability of the CCTV footage was not even mentioned in the final report and the prosecution is trying to develop a case and fill up the lacuna.

3. The Court below allowed the petition filed by the prosecution on the ground that the said CCTV recording is

required for the purpose of coming to a fair decision and the prosecution is only taking steps to mark the compact disc along with a certificate under Section 65(B) of Evidence Act.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

5. It is brought to the notice of this Court that the compact disc has already been marked before the Court below during the Course of trial and the petitioners have already raised objection regarding the admissibility of the electronic evidence and the same has also been taken note of by the Court.

6. In view of the above development, no further orders are required to be passed in this Criminal Original Petition and it is left open to the petitioners to agitate the relevancy, admissibility and proof of the electronic evidence marked by the prosecution and the same shall be taken into consideration by the trial Court at the time of final disposal of the case.

7. In the result, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.366 of 2016, on the file of the Judicial Magistrate Court No.II, Tiruppur, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

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सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Tiruppur.

2.do Thro The Chief Judicial Magistrate,
Tiruppur District.

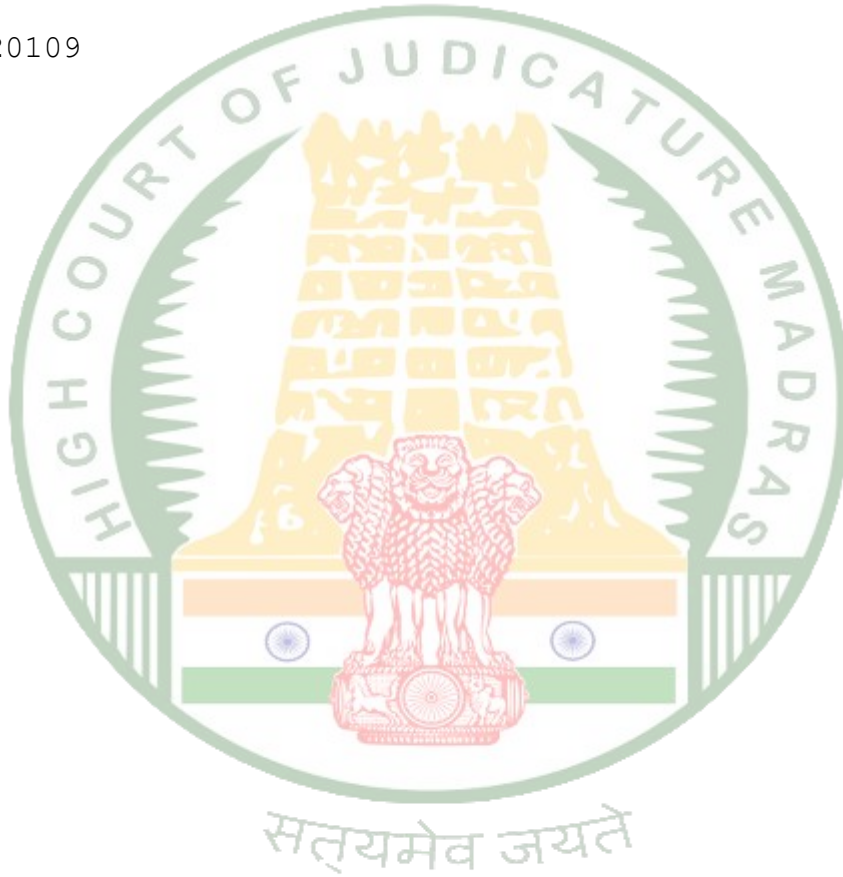
3.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur.

4.The Additional Public Prosecutor,
Madras High Court.

+lcc to M/s.R.Prabakar, Advocate sr.46657

CrI.O.P.No.24059 of 2017

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