



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.12993 of 2019

WEB COPY

Mahendran

... Petitioner/Accused No.1

Vs.

The State Represented by
The Inspector of Police
Thiruppachethi Police Station
Sivagangai District
(in Crime No.97/2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to preserve the entire CCTV footage on 25.07.2019 and 26.07.2019, in the respondent police station connected to the First Information Report in Crime No. 97 of 2019, dated 26.07.2019 by the respondent in a safe and secure manner.

For Petitioner	:	Mr.R.Senthil Kumar
For Respondent	:	Mr.K.Suyambulinga Bharathi Government Advocate(Crl.Side)

ORDER

This petition has been filed seeking direction to preserve the entire CCTV footage on 25.07.2019 and 26.07.2019, in the respondent police station connected to the First Information Report in Crime No. 97 of 2019, dated 26.07.2019 by the respondent in a safe and secure manner.

2. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and the same has been registered in Crime No. 97 of 2019 for the offences under Sections 21(1) of Mines and Minerals (Development and Regulation) Act and Section 379 of IPC. As alleged by the prosecution the vehicle seized by the respondent police does not belong to the petitioner and the vehicle belongs to one Muthukrishnan. Therefore the entire case has been foisted against the petitioner and he is no way connected with the said Muthukrishnan. He further submitted that the said vehicle was in the custody of the respondent even before the date of occurrence. Therefore he sought for direction to preserve the CCTV footage from 25.07.2019 to 26.07.2019 in the respondent police.



3. The learned Government Advocate(Crl.Side) would submit that a case has been registered in Crime No. 97 of 2019 for the offences under Sections 21(1) of Mines and Minerals (Development and Regulation) Act and Section 379 of IPC, in which the petitioner is arraigned as A1. He would also submit that the petitioner is a habitual offender and he is having five previous cases of similar nature. In order to escape from the clutches of law, he has filed the present petition to preserve the CCTV footage of the respondent police. He further submitted that the CCTV footage will be available only for 30 days and after 30 days it will be deleted automatically from the memory. Therefore they are not able to preserve the CCTV footage.

4. Heard Mr.R.Senthil Kumar, learned counsel for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondent.

5. It is seen that the petitioner is a accused in Crime No. 97 of 2019, registered for offences under Sections 21(1) of Mines and Minerals (Development and Regulation) Act and Section 379 of IPC. Though the petitioner is not owner of the vehicle the said vehicle was already handed over to the petitioner. There is no lease agreement between the petitioner and said Muthukrishnan. The statements recorded from said Muthukrishnan reveals that he has handed over the vehicle to the petitioner herein. Therefore, this is a matter for trial. Further CCTV footages cannot be preserved for morethan 30 days, due to memory capacity the clippings will be automatically deleted from the memory. Further there are five previous cases pending against the petitioner of similar nature. Therefore the direction sought for cannot be considered now.

6. Hence the Criminal Original Petition stands dismissed. Already the petitioner has sought for information under Right to Information Act and the same was denied by the respondent against which an appeal is pending. Therefore the petitioner is at liberty to approach the appellate authority seeking information under Right to Information Act. Further the respondent police is directed to complete the investigation and file final report before the concerned court within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Inspector of Police
Thiruppachethi Police Station
Sivagangai District

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court

+1 CC to Mr.R.SENTHIL KUMAR, Advocate (SR-87480[F] dated
18/09/2019)

Crl.O.P. (MD) No.12993 of 2019
18.09.2019

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