



BEFORE THE MADURAI BENCH OF MADURAI HIGH COURT
DATED:01.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.13928 of 2019
and
Crl.M.P(MD) No.8482 of 2019

M.Mohammed Iqbal

... Petitioner

Vs.

1. The Commissioner of Police
Madurai City
Madurai District
2. The Inspector of Police
Avaniyapuram Police Station
Madurai District

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to S.C.No.401 of 2018 on the file of I Additional Sub Judge, Madurai and direct the Respondent No.1 to reopen the case in Crime No.1950 of 2017 on the file of the Respondent No.2 for further investigation of the case by a competent officer and file a complete final report along with compact disc of the occurrence before the I Additional Sub Judge, Madurai within the time stipulated by this Honourable Court.

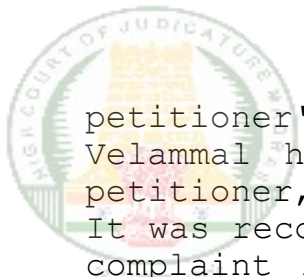
For Petitioner : Mr.T.Lajapathi Roy

For Respondents :Mr.K.Suyambulinga Bharathi
No.1& 2 Government Advocate(Crl.Side)

O R D E R

This petition has been filed to call for the records relating to S.C.No.401 of 2018 on the file of I Additional Sub Judge, Madurai and direct the first respondent to reopen the case in Crime No.1950 of 2017 on the file of the second respondent for further investigation of the case by a competent officer and file a complete final report along with compact disc of the occurrence before the I Additional Sub Judge, Madurai.

2. The learned counsel for the petitioner would submit that on 24.11.2017 while the petitioner was coming to Madurai from Thirumangalam by his car another car bearing Reg. No. TN 69 AL 0999 driven in a rash and negligent manner dashed against the



petitioner's car and damaged the right side bumper in front of the Velammal hospital main gate and when it was questioned by the petitioner, the accused tried to ran over the petitioner by his car. It was recorded in the CCTV footage of the Velammal Hospital. On the complaint lodged by the petitioner a case has been registered for offences under Sections 294(b), 307 and 308 of IPC as against the accused person. The learned counsel for the petitioner would further submit that the second respondent did not even obtain any certificate for the CCTV footage obtained by the network engineer of the Velammal Medical College Hospital to satisfy the provisions under Section 65(B) of Indian Evidence Act. Only on the request made by the petitioner, CCTV footage was given in the form of CD to the petitioner and in turn it was handed over to the Investigating Officer/second respondent for investigation. In this regard, the learned counsel for the petitioner would submit that if certificate or parent footage of the CCTV not produced before the trial court, the CCTV footage could not be accepted as evidence. Therefore he sought for further investigation.

3. The learned Government Advocate(Crl.Side) would submit that the petitioner obtained CCTV footage from one Vignesh, network Engineer of Vellammal Medical College Hospital, Madurai and the same was submitted before the trial court for evidence. Infact they also examined the said Vignesh as LW 7 and they are about to obtain certificate to satisfy the provision laid down under Section 65(B) of Indian Evidence Act.

4. Considering the above facts and circumstances of the case, the second respondent is directed to obtain certificate or parent CCTV footage which was recorded in the computer in the Vellammal Medical College Hospital for trial purpose and also satisfy Section 65(B) of Indian Evidence Act and produce before the trial Court within a period of four weeks from the date of receipt of a copy of this order, to prove the charge against the accused person.

5. With the above observation and direction, the Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The I Additional Sub Judge, Madurai

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



2. The Commissioner of Police
Madurai City
Madurai District

3. The Inspector of Police
Avaniyapuram Police Station
Madurai District

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

Crl.O.P.(MD) No.13928 of 2019

and

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